

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE RECORDS

Town of LaFayette

AUG 10 2020

Local Law No. 1 of the year 2020.

DEPARTMENT OF STATE

A local law to adopt a revised zoning code for the Town of LaFayette and amend the zoning maps
(Insert Title)
referenced in Article 1, Section C of the Town of LaFayette 1970 Zoning Ordinance to add
a new R1 district

FILED
STATE RECORDS

AUG 10 2020

Be it enacted by the Town Board of the

DEPARTMENT OF STATE

Town of LaFayette as follows:

Section 1. The Town of LaFayette 1970 Zoning Ordinance and all amendments thereto are hereby repealed and replaced by the Zoning Code of the Town of LaFayette dated October 28, 2017 and last revised on March 22, 2020 attached hereto.

Section 2. The Zoning Map(s) of the Town of LaFayette referenced in Article 1, Section C of the Town of LaFayette 1970 Zoning Ordinance are hereby amended as follows:

a. The zoning classification of all parcels designated R1 on the attached Town of LaFayette Zoning Map dated December 2016 are changed from their current designation of Agricultural-Residential (AR) to Residential (R1).

b. The zoning classification of all parcels designated AG on the attached Town of LaFayette Zoning Map dated December 2016 are changed from their current designation of Agricultural-Residential (AR) to Agricultural (AG).

Section 3. Severability. If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its

application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. This Local Law is effective upon filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2020 of the Town of LaFayette was duly passed by the Town Board on July 14, 2020, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in Paragraph 1, above.



Jacqueline G. Roorda, Town Clerk

(Seal)

Date: JULY 14, 2020

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



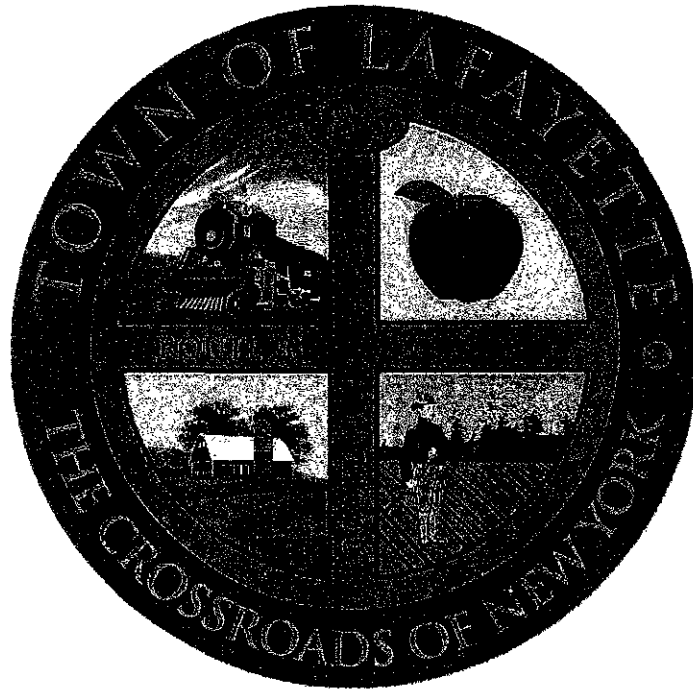
Signature

Attorney for the Town

Title

Town of LaFayette

Date: July 14, 2020



Zoning Code of the Town of LaFayette

Draft submitted by Zoning Chapter Update Committee:
Melanie Palmer, Chris Keenan, Jackie Roorda, Kelly Green, Ralph Lamson



10.28.2017

Last revised 3.22.2020 after Onondaga County Planning Board review

Table of Contents

Article 1 – General Provisions 3

- Section A: Title..... 3
- Section B: Repealer and Purpose 3
- Section C: Definitions..... 3

Article 2 – District Regulations 13

- Section A: Establishment of Districts 13

 - 1. AG, Agricultural District..... 14
 - 2. R-1, Single-Family Residential District..... 15
 - 3. H, Hamlet District..... 16
 - 4. B, Business District..... 18
 - 5. I, Industrial District..... 19
 - 6. RPC, Residential Planned Cluster District..... 21
 - 7. RM, Residential Multifamily District 23
 - 8. CPD, Commercial Planned Development District 24

- Section B: Interpretation of District Boundaries 25
- Section C: Lots in Two Districts..... 25

Article 3 - Explicitly Prohibited Uses..... 25

- Section A: Land Application, Natural Gas and/or Petroleum Extraction, Exploration or Production Activities..... 25

Article 4 – Parking, Signs, Exceptions 27

- Section A: Parking..... 27
- Section B: Signs..... 28

 - 1. General regulations:..... 28

- Section C: Nonconforming Lots, Structures, and Uses 29
- Section D: Building Line Exception 30
- Section E: Corner Lots..... 30
- Section F: Excavation and Top Soil Removal..... 30
- Section G: Stormwater Pollution Prevention 30

Article 5 – Supplemental District Regulations..... 31

- Section A: Home Occupations 31
- Section B: Temporary Uses 31
- Section C: Wind energy systems 32

Section D: Taxidermy	36
Section E: Commercial Animal Crematorium	36
Section F: Adult Entertainment	37
Section G: Roadside Stands	40
Section H: Height Limitations	40
Section I: Manure Storage Facilities for CAFOs	40
Section J: Solar Energy Systems.....	43
Article 6 – Administration, Enforcement and Review	57
Section A: Administration	57
Section B: Building Permits and Certificates of Occupancy	57
Section C: Zoning Map	57
Section D: Planning Board.....	58
1. Membership and Term of Office.....	58
2. Powers and Duties	58
Section E: Site Plan Review	58
1. Applicability and Application	58
2. Requirements and Regulations:.....	60
3. Procedure and Notice	60
4. Appeal Process.....	61
5. Limitation on Application for Site Plan Approval.....	61
Section F: Zoning Board of Appeals	61
1. Membership and Term of Office.....	61
2. Powers and Duties	62
3. Procedure and Notice	62
4. Special Use Permits	64
Section F: Fees	64
Section G: Violations and Penalties	64
Section H: Severability	64

Article 1 – General Provisions

Section A: Title

This shall be the official zoning code of the Town of LaFayette, New York; and shall be known as the “Zoning Code of the Town of LaFayette”.

Section B: Repealer and Purpose

Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York and for each and every purpose therein specified, the Town Board of the Town of LaFayette does hereby repeal the Town of LaFayette Zoning Ordinance of 1970, and all amendments thereto, heretofore enacted or adopted by the Town Board of the Town of LaFayette and does hereby enact the following comprehensive Chapter regulating the location and use of buildings, structures and land for trade, commercial, industrial, office, residential, farming and other purposes.

This Chapter is enacted for the purpose of regulating and restricting the location, construction and use of buildings and structures and the use of land in the Town of LaFayette and for said purposes, divides the Town into districts.

Section C: Definitions

In the interpretation of this chapter, the following rules shall apply:

1. Words used in the present tense include the future tense.
2. The singular includes the plural.
3. The word “lot” includes the word “plot” or “parcel”.
4. The word “shall” is intended to be mandatory.
5. The words “occupied” or “used” as applied to any land or structure shall be construed to include the words “intended”, “arranged” or designed to be used or occupied”.
6. The word “person” includes a corporation as well as an individual.

ACCESSORY STRUCTURE: A structure detached from and subordinate to a principal building on the same lot, with less than one-half of the floor space of the principal building, and which is used for the purposes subordinate and customarily incidental to those of the principal building or use, including parking, storage and recreation. Structures used for agriculture, whether or not used for housing animals, shall not be subject to the aforesaid ‘one-half of the floor space of the principal building’ limitation.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use located on the same lot with such principal use. A use shall not qualify for treatment as an accessory use if it dominates the principal use in area, extent, or purpose.

AGRICULTURE: The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products.

ALTERATION: A rearrangement, enlargement or relocation of a building or structure involving a change in the structural parts or means of egress.

ANIMAL MANURE: Excrete from livestock, poultry and other materials, such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal manure handling operations.

ASSISTED LIVING FACILITY: Home for eight (8) or fewer unrelated mentally or physically handicapped persons, including no more than two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the handicapped persons residing in the home, provided that the exterior appearance of the home and property shall reasonably conform to the exterior appearance of other dwellings and property in the neighborhood.

BANK: A financial institution licensed to receive deposits and make loans.

BED AND BREAKFAST: An owner-occupied, single-family dwelling providing sleeping accommodations and a meal in the forenoon of the day, on a temporary basis and for compensation.

BOARDING HOME: A house in which lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years.

BREWERY: Any place or premises where beer is manufactured for sale; and all offices, granaries, mashrooms, cooling-rooms, vaults, yards, and storerooms connected therewith or where any part of the process of manufacture of beer is carried on, or where any apparatus connected with such manufacture is kept or used, or where any of the products of brewing or fermentation are stored or kept, shall be deemed to be included in and to form part of the brewery to which they are attached or are appurtenant. This definition includes farm breweries which include any place or premises, located on a farm within the Town, in which New York State labelled beer is manufactured, stored and sold.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A Solar Energy System incorporated into and becoming part of the overall architecture, design and structure of a building in manner that the Solar Energy System is a permanent and integral part of the building structure

BUSINESS: Any commercial enterprise, establishment, association or arrangement for profit.

CAMP: A place where simple buildings are erected for shelter or temporary residence.

CODE ENFORCEMENT OFFICER: A person employed by the Town of LaFayette to enforce the provisions of this Chapter.

COMMERCIAL ANIMAL CREMATORIUM: Any land, place, structure, facility or building provided by any person for a fee, whether or not for profit, to veterinarians or members of the general public for the cremation of pets. However, a pet crematorium shall not provide for permanent interment or inurnment of pet remains.

COMMERCIAL FEEDLOT: A confined dry lot area for feeding of cattle or other animals whose primary enterprise is to feed cattle and market them for slaughter.

COMMERCIAL RECREATION FACILITY: An establishment where people pay for recreation.

COMMUNITY CENTER: A building or structure for community use.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): An operation that confines animals on a site for more than forty-five (45) days per year, where feed is brought onsite.

COURTYARD: An unoccupied open space other than a yard, created by two or more buildings or wings.

DISTILLERY: Any place or premises wherein any liquors are manufactured for sale. This definition includes farm distilleries which include any place or premises located on a farm within the Town in which liquor is manufactured primarily from farm and food products, as defined in subdivision two of section two hundred eighty-two of the agriculture and markets law, and such liquor is sold.

DOG KENNEL: The harboring of dog(s) for commercial purposes, including but not limited to the breeding of dogs for sale and the boarding of dogs for a fee.

DWELLING: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, SINGLE-FAMILY: A detached dwelling designed for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY: A building designed for and occupied exclusively by two (2) families living independently of each other.

DWELLING, MULTIPLE: Three or more attached dwelling units for three (3) or more families, living independently of each other, including apartment houses, apartment hotels, condominiums, flats, town houses and row houses.

ELECTRICAL SUBSTATION: A substation is a part of an electrical generation, transmission, and distribution system.

ELECTRONIC, VIDEO, OR DIGITAL MESSAGE SIGN: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. These signs include, but are not limited to, displays using incandescent lamps, light emitting diodes (LEDs), or liquid crystal displays (LCDs).

FAMILY: One (1) or more persons occupying the premises and living as a single house-keeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

FARM: A farm operation as defined in the New York State Agriculture and Markets Law.

FLUSH MOUNTED SOLAR ENERGY SYSTEM: A Rooftop-Mounted Solar Energy System with Solar Panels which are installed flush to the surface of a roof and which cannot be angled or raised.

FOOD TRUCK: A large vehicle equipped to cook and sell food.

GARAGE, PRIVATE: An enclosed area for the storage of one or more motor vehicles within which no business activity or industry is conducted other than the rental space for not more than two vehicles.

GARAGE, PUBLIC: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, sale, greasing, washing, servicing, adjusting, or equipping of motor vehicles.

GATHERING LINE, or PRODUCTION LINE: Any system of pipelines (and other equipment such as drip station, vent stations, pigging facilities, valve box, transfer pump station, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), used to move oil, gas, or liquids from a point of production, treatment facility or storage area to a transmission line, which is exempt from the Federal Energy Regulatory Commission's jurisdiction under section 1(b) of the Natural Gas Act, and which does not meet the definition of a "Major utility transmission facility" under the Public Service Law of New York, Article 7, §120(2)(b).

GASOLINE SERVICE STATION: A building or premises used for the retail sale of fuel for motor vehicles, including facilities for greasing, cleaning, minor repairing and servicing motor vehicles. Furthermore, in no event shall "GASOLINE SERVICE STATION" be construed to mean, be, or include any Explicitly Prohibited Uses as set forth in this Chapter.

GREENHOUSE - COMMERCIAL: A building designed and occupied for the cultivation and/or production of plants, vegetables or similar agricultural products.

GROUND MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is affixed to the ground either directly or by mounting devices and which is not attached or affixed to a building or structure.

HOME OCCUPATION: An occupation or business use, full- or part-time, conducted within a dwelling by a resident of the property.

HOTEL: A building or group of buildings providing rental sleeping rooms and which may also include dining rooms, kitchens, serving rooms, ballrooms, and other facilities, and services intended primarily for the accommodation of the personal needs of the traveling public, including motels.

INJECTION WELL: A bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semi-solids) are injected into the subsurface and less than ninety (90) percent of such fluids return to the surface within a period of ninety (90) days.

JUNK: An accumulation of old, wrecked or worn out materials and products, either discarded or for salvage or fill resale.

JUNK YARD: An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, junked motor vehicles.

JUNKED MOTOR VEHICLE: Any dismantled, wrecked, scrapped or abandoned motor vehicle.

LAND APPLICATION FACILITY: A site where any Natural Gas Exploration and/or Petroleum Production Wastes are applied to the soil surface or injected into the upper layer of the soil.

LIBRARY: A building or room containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to.

LIGHT MANUFACTURING: A manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight.

LOT: A single parcel of land, occupied or to be occupied by one or more uses or buildings, united by a common interest, containing such area, width and open space as required by this Chapter for a lot in the district in which the parcel is situated, and having sufficient public access as required by law.

LOT COVERAGE: That percentage of total lot area covered by all buildings, including accessory structures but excluding driveways, parking spaces and landscaping.

LOT WIDTH: The width of a lot measured at the building line.

LUMBER YARD: A place that sells lumber and other building materials.

MANUFACTURED HOME: A structure, transportable in one or more sections, that in the traveling mode is 8 feet or more in width or 40 feet or more in length, or where erected on site, is 320 square feet or more, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation where connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered to be a manufactured home.

MANUFACTURED HOME PARK: Any lot on which two or more manufactured homes are located.

MANURE STORAGE FACILITY: A facility constructed as an accessory use to an animal husbandry use, riding stable, or kennel, to collect, hold, process, store, treat, or distribute solid and liquid animal waste. Included within this definition are storage tanks, lagoons, seepage pits, drains, and collection systems intended to handle animal waste solids and liquids, food processing, and CAFOs. Not included within this definition are systems designed and construed to handle human waste.

MARINA: Premises where boats are leased, stored or services, including facilities for food, supplies and accessories associated with such use.

MODULAR HOME: A factory manufactured home fabricated in a manufacturing facility in accordance with the requirements of the New York State Uniform Fire Prevention & Building Code which is transported to a permanent building site and which bears an insignia of approval issued by the State Fire Prevention & Building Code Council.

NATURAL GAS AND/OR PETROLEUM EXPLORATION ACTIVITIES: Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including

prospecting, geophysical and geologic seismic surveying and sampling techniques, *but only to the extent* that such activities involve or employ core, rotary, or any other type of drilling or otherwise making any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES: The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES: Any of the following in any form, and *whether or not* such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of "industrial waste," "hazardous," or "toxic," and whether or not such substance are generally characterized as waste: (a) below- regulatory concern radioactive materials, or any radioactive material which is not below concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons; (b) natural gas or petroleum drilling fluids; (c) natural gas or petroleum exploration, drilling, production or processing wastes; (d) natural gas or petroleum drilling treatment wastes (such as oils frac fluids , produced water, brine flow back, sediment and/or any liquid or semi-liquid material); (e) any chemical waste oil, waste emulsified oil, mud or sediment that was used or produced in the drilling development, transportation, processing or refining of natural gas or petroleum; (f) soil contaminated in the drilling, transportation, processing, or refining of natural gas or petroleum; (g) drill cuttings from natural gas or petroleum wells; or (h) any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum. This definition specifically intends to include some wastes that may otherwise be classified as "solid wastes which are not hazardous wastes: under 40 C.F.R. §261.4(b). The definition of Natural Gas and/or Petroleum Extraction, Exploration Or Production Wastes *does not include* (i) recognizable and non-recognizable food wastes, or (ii) waste generated by Agriculture Use.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES DISPOSAL/STORAGE FACILITY: Any of the following; (a) tanks of any construction (metal, fiberglass, concrete, etc.); (b) impoundments; (c) pits; (d) evaporation ponds; (e) portable or wheeled trailers or vehicles; or (f) other facilities, in any case used for the storage or treatment of Natural Gas And/or Petroleum Extraction, Exploration Or Production Wastes that: (i) are being held for initial use, (ii) have been used and are being held for subsequent reuse or recycling, (iii) are being held for treatment, or (iv) are being held for storage.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES DUMP: Land upon which Natural Gas And/or Petroleum Extraction, Exploration or Production Wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.

NATURAL GAS AND/OR PETROLEUM ACTIVITIES: Shall mean and be any one or more of the following: (a) Natural Gas Compression Facility; (b) Natural Gas Processing Facility; (c) Natural Gas And/or Petroleum Extraction, Exploration or Production Wastes Disposal/Storage Facility; (d) Natural Gas And/or

Petroleum Exploration or Production Wastes Dump; (e) Land Application Facility; (f) Non-Regulated Pipelines; (g) Underground Injection; or (h) Underground Natural Gas Storage.

NATURAL GAS COMPRESSION FACILITY: Those facilities or combination of facilities that move natural gas or petroleum from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.

NATURAL GAS PROCESSING FACILITY: Those facilities that separate and recover natural gas liquids (NGLs) and /or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO₂ separated from natural gas streams.

NET-METERING: A billing arrangement that allows solar customers to receive credit for excess electricity which is generated from the customer's Solar Energy System and delivered back to the grid so that customers only pay for their net electricity usage for the applicable billing period.

NON-REGULATED PIPELINES: Those pipelines that are exempt or otherwise excluded from regulation under federal and state laws regarding pipeline construction standards or reporting requirements. Specifically includes production lines and gathering lines.

NONCONFORMING STRUCTURE OR LOT: A structure or lot that does not conform to a dimensional regulation prescribed by this chapter for the district in which it is located or to regulations for signs, off-street parking, loading or accessory buildings, but which structure or lot was in existence at the effective date of this Chapter or any amendment and was lawful at the time it was established.

NONCONFORMING USE: A use of a building or lot that does not conform to use regulations prescribed by this Chapter for the district in which it is located, but which was in existence at the effective date of this Chapter or any amendment and was lawful at the time it was established.

NURSERY - COMMERCIAL: Land and/or building improved and occupied for the commercial raising, storage and/or retail sale of ornamental plants, household garden supplies and equipment.

NURSING HOME: Any establishment where persons are housed or lodged and furnished with meals and nursing care for hire.

PERSON: Any individual, public, or private corporation for profit or not for profit association, partnership, limited liability company, limited liability partnership, firm, trust, estate and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PERSONAL SERVICE BUSINESS: Any business enterprise with the primary purpose of providing personal services, such as hair styling, framing, cosmetology, etc.

PIPELINE: All parts of those physical facilities through which petroleum, gas, hazardous liquids, or chemicals move in transportation (including pipes, valves and other equipment and appurtenances attached to pipes and other equipment such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump stations, measuring and regulating equipment, yard and station piping, and

cathodic protection equipment), whether or not laid in public or private easement or private right of way within the Town. This includes, without limitation gathering lines, production lines, and transmission lines.

PLACE OF WORSHIP: A facility for religious use or worship.

PROFESSIONAL SERVICE BUSINESS: Any business enterprise that provides support to businesses in the form of advice or performing tertiary roles, including professions such as law, medicine, engineering, design, finance, accounting, and the performing arts.

PUBLIC PARK: A public playground, public recreation center or area, and other public areas, created, established, designated, maintained, provided or set aside by the Town or other governmental entity, for the purposes of public rest, play, recreation, enjoyment or assembly.

QUALIFIED SOLAR INSTALLER: A person who has skills and knowledge related to the construction and operation of Solar Energy Systems (and the components thereof) and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town Code Enforcement Officer or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

RADIATION: The spontaneous emission of particles (alpha, beta, neutrons) or photons (gamma) from the nucleus of unstable atoms as a result of radioactive decay.

RESTAURANT: A place where people pay to sit and eat meals that are cooked and served on the premises.

RETAIL STORE: A place of business usually owned and operated by a retailer in which merchandise is sold primarily to ultimate consumers.

ROADSIDE STAND: A seasonal, temporary structure that is used for a farm producer to sell directly to consumers.

ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System in which Solar Collectors/Panels are mounted on the roof of a building or structure either as a flush-mounted system or as panels fixed to frames which can be tilted to maximize solar collection. Rooftop-Mounted Solar Energy Systems shall be wholly contained within the limits of the building's or structure's roof surface.

SCHOOL: An educational institution designed to provide learning spaces and learning environments for the teaching of students under the direction of teachers.

SHOPPING CENTER: A lot or plot used for two or more retail business units, attached or detached.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR COLLECTOR: A solar photovoltaic cell, panel, or array or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR ENERGY SYSTEM: A complete system of Solar Collectors, Panels, controls, energy devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy including but not limited to thermal and electrical, stored and protected from dissipation and distributed. For purposes of this Chapter, a Solar Energy System does not include any Solar Energy System of four square feet in size or less.

SOLAR FARM: A Solar Energy System or collection of Solar Energy Systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

SOLAR PANEL: A device which converts solar energy into electricity.

SOLAR SKYSPACE: The space between a Solar Energy System and the sun through which solar radiation passes.

SOLAR STORAGE BATTERY: A device that stores energy from the sun and makes it available in an electrical form.

STABLE, PRIVATE: Buildings and land on which one or more horses, mules or burros belonging to the owner of said building and land or his (her) immediate family or the resident/tenant of the building or his/her immediate family, are kept; access to the private stables is limited to his/her immediate family and nonpaying guests; no more than one animal per every two grazeable acres is allowed.

STABLE, PUBLIC: A commercial operation consisting of building(s) and land within which one (1) or more horses, mules or burros are kept for sale, rent, riding or boarding purposes.

STOCKYARD: A large yard containing pens and sheds, typically adjacent to a slaughterhouse, in which livestock is kept and sorted.

STORAGE TRAILER: A portable vehicle or structure constructed off the premises and transported to the premises on its own wheels (or the wheels of another vehicle) that is used, or designed or intended to be used, solely for the purpose of storing goods and chattels.

STORAGE UNIT: A facility in which storage space is rented to tenants, usually on a short-term basis (often month-to-month).

STRUCTURE: Anything constructed or erected with fixed location on the ground, or attached to something having a fixed location on the ground.

SUBSURFACE: Below the surface of the earth, or of a body of water, as the context may pertain to.

TAVERN: An establishment for the sale of beer and other drinks to be consumed on the premises, sometimes also serving food.

TAXIDERMY: The art or operation of preparing, stuffing and mounting the skins of dead animals for exhibition in a lifelike state.

THEATER: A building or outdoor area in which movies, plays and other dramatic performances are given.

TOWER HEIGHT: The height measured from the ground to the top of the tower.

TOWN: The Town of LaFayette, Onondaga County, New York.

TOWN BOARD: The Town Board of the Town of LaFayette.

TOWN BUILDING: Building owned and used for Town operations, such as the Town Hall or Highway Garage.

TRANSMISSION LINE: A pipeline that transports oil, gas, or water to end users as a public utility and which is subject to regulation either by: (a) the Federal Energy Regulatory Commission's jurisdiction under section 1(b) of the Natural Gas Act, or (b) as a "Major utility transmission facility" under the Public Service Law of New York, Article 7, §120(2)(b).

UNDERGROUND INJECTION: Subsurface emplacement of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes by or into an Injection Well.

UNDERGROUND NATURAL GAS STORAGE: Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location for the primary purpose of load balancing the production of natural gas. Includes compression and dehydration facilities, and pipelines.

VETERINARIAN FACILITY: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, or treatment of diseases and injuries of animals.

WAREHOUSE: A large building where raw materials or manufactured goods may be stored before their export or distribution for sale.

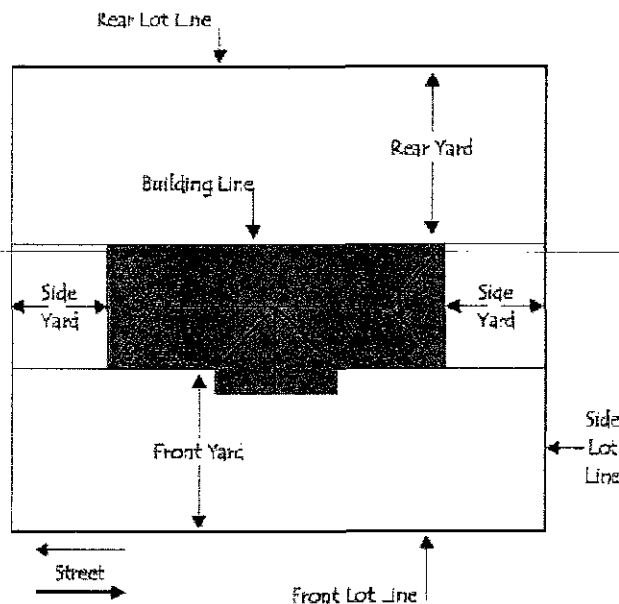
WINERY: Any place or premises wherein wines are manufactured from any fruit or brandies distilled as the by-product of wine or other fruit or cordials compounded and also includes a winery for the manufacture of wine in any state other than New York state and which has and maintains a branch factory, office or storeroom within the state of New York and receives wine in this state consigned to a United States government bonded winery, warehouse or storeroom located within the state. This definition includes farm wineries which include any place or premises, located on a farm within the Town, in which wine is manufactured and sold.

WIND ENERGY SYSTEM: A machine that runs on wind energy consisting of a wheel containing revolving blades, rotated by the wind for purposes of converting wind energy into electricity.

YARD, FRONT: The ground space on a lot extending the full width of the lot between the property line and the nearest point of the principal building or use, and in residential districts, open and unoccupied except for fences and other decorative or landscaping uses. Covered porches whether enclosed or unenclosed shall be considered as part of the main building and shall not project into a required front yard.

YARD, REAR: The ground space on a lot existing the full width of the lot between the rear line and the nearest point of the principal building or use.

YARD, SIDE: The ground space on a lot between the nearest point of the principal building or use and the side line of the lot and extending from the front yard to the rear yard, unoccupied and adjacent to such side line to the width required for side yards in the district except for fences and/or other decorative or landscaping uses.



Article 2 – District Regulations

Section A: Establishment of Districts

For the purpose of promoting the public health, safety, morals and the general welfare of the community, the Town of LaFayette is hereby divided into the following districts:

- AG – Agricultural District
- R1 - Single-Family Residential District
- H – Hamlet District
- B – Business District

- I -Industrial District
- RPC - Residential Planned Cluster District
- RM – Residential Multifamily District
- CPD – Commercial Planned Development District

Except for nonconforming uses permitted in this zoning code, any use not specifically set forth as a permitted use in any zoning district shall be expressly prohibited in that district. A use specifically set forth as a permitted use in one district shall not be a permitted use in another district unless it is specifically set forth as a permitted use in said other district.

1. AG, Agricultural District

(a) *Purpose.* The purpose of the AG district is to preserve agricultural land, accommodate agricultural operations and to permit low density development. The intent of this district is also to preserve open space and the Town’s rural character.

(b) *Permitted principal and accessory structures and uses:*

- 1) Dwelling, single-family
- 2) Dwelling, two-family
- 3) Private garages, carports and accessory buildings
- 4) Farms, except commercial feedlots or stockyards
- 5) Private stables
- 6) Camps

(c) *Permitted principal and accessory structures and uses – Site Plan required:*

- 1) Manufactured home, provided for the purpose of agricultural-related assistance
- 2) Assisted Living Facility
- 3) Bed and Breakfast
- 4) Dog Kennel
- 5) Public stable, provided that no manure, dust, or odor producing substance shall be stored within two hundred (200) feet of any lot line
- 6) Veterinarian facility, provided that pens or open kennels shall be located at least two hundred (200) feet from any lot line
- 7) Place of Worship
- 8) School
- 9) Library
- 10) Public park
- 11) Community center and Town building
- 12) Police and Fire Station
- 13) Nursery – Commercial
- 14) Greenhouse – Commercial
- 15) Roadside stand
- 16) Winery, brewery, and distillery

17) Wind Energy System, as permitted in Supplemental District Regulations

(d) *Permitted principal and accessory structures and uses – Site Plan and Special Use Permit required:*

- 1) Marina
- 2) Commercial recreation facility
- 3) Taxidermy, as permitted in Supplemental District Regulations
- 4) Commercial Animal Crematorium, as permitted in Supplemental District Regulations
- 5) Electrical Substation
- 6) Towers, Antennas and Mobile Service Facilities, as permitted in Chapter 249
- 7) Solar Energy System, as permitted in Supplemental District Regulations
- 8) Home Occupation, as permitted in Supplemental District Regulations (special use permit only)

(e) *General height, area, bulk and setback regulations:*

- 1) *Minimum Lot Area:* Sixty thousand (60,000) square feet
- 2) *Minimum Lot Width:* One hundred twenty-five (125) feet at building line
- 3) *Minimum Road Frontage:* Sixty (60) feet
- 4) *Maximum Structure Height:* Thirty-five (35) feet (unless otherwise permitted)
- 5) *Minimum Yard Setbacks:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Thirty (30) feet
 - c. *Side yard:* Twenty-five (25) feet
- 6) *Maximum Lot Coverage:* Twenty (20) percent
- 7) *Minimum Yard Setbacks for Accessory Structures:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Fifteen (15) feet
 - c. *Side yard:* Fifteen (15) feet

2. R-1, Single-Family Residential District

(a) *Purpose.* The purpose of the R-1 district is primarily for single-family detached dwellings. Certain other structures and uses necessary to serve the area are allowed as permitted uses or through the approval of a special use permit, subject to restrictions intended to preserve and protect the single-family residential character of the district.

(b) *Permitted principal and accessory structures and uses:*

- 1) Dwelling, single-family with only one (1) dwelling per lot
- 2) Private garages, carports and accessory buildings

(c) *Permitted principal and accessory structures and uses – Site Plan required:*

- 1) Place of Worship
- 2) Public park

3) Police and Fire Station

(d) *Permitted principal and accessory structures and uses – Site Plan and Special Use Permit Required:*

- 1) Electrical Substation
- 2) Solar Energy System, as permitted in Supplemental District Regulations
- 3) Home Occupation, as permitted in Supplemental District Regulations (special use permit only)

(e) *General height, area, bulk and setback regulations.*

- 1) *Minimum Lot Area:* Sixty thousand (60,000) square feet
- 2) *Minimum Lot Width:* One hundred twenty-five (125) feet at building line
- 3) *Minimum Road Frontage:* Sixty (60) feet
- 4) *Maximum Structure Height:* Thirty-five (35) feet (unless otherwise permitted)
- 5) *Minimum Yard Setbacks:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Thirty (30) feet
 - c. *Side yard:* Twenty-five (25) feet
- 6) *Maximum Lot Coverage:* Twenty (20) percent
- 7) *Minimum Yard Setbacks for Accessory Structures:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Fifteen (15) feet
 - c. *Side yard:* Fifteen (15) feet

3. H, Hamlet District

(a) *Purpose.* The purpose of the Hamlet district is to provide for the development of high density, compact, pedestrian oriented shopping, service, entertainment and residential districts. The district is intended to be mixed-use district that accommodates a variety of uses. It is intended to allow flexible setbacks, smaller lot sizes, and increased lot coverage to encourage dense development in the hamlet core of the community. This district is designed to protect the small community appeal, integrity, character, and charm within the hamlet district by encouraging redevelopment that focuses on architecturally appropriate design standards typical of the town's early development history. These areas may also be experiencing or be in need of rehabilitation or redevelopment.

(b) *Permitted principal and accessory structures and uses:*

- 1) Dwelling, single-family
- 2) Dwelling, two-family
- 3) Private garages, carports and accessory buildings

(c) *Permitted principal and accessory structures and uses – Site Plan required:*

- 1) Dwelling, multiple
- 2) Assisted Living Facility

- 3) Boarding or Nursing Home
- 4) Funeral Home
- 5) Bed and Breakfast
- 6) Veterinarian facility, provided that pens or open kennels shall be located at least two hundred (200) feet from any lot line
- 7) Place of Worship
- 8) School
- 9) Library
- 10) Public park
- 11) Community center and Town building
- 12) Theater
- 13) Police and Fire Station
- 14) Roadside stand
- 15) Restaurant and tavern
- 16) Winery, brewery, and distillery
- 17) Food truck
- 18) Gasoline service station and car wash establishment
- 19) Retail store and personal service business
- 20) Business and professional office
- 21) Bank

(d) *Permitted principal and accessory structures and uses – Site Plan and Special Use Permit Required:*

- 1) Electrical Substation
- 2) Solar Energy Systems, as permitted in Supplemental District Regulations
- 3) Home Occupation, as permitted in Supplemental District Regulations (special use permit only)

(e) *General height, area, bulk and setback regulations:*

- 1) *Minimum Lot Area:* Sixty thousand (60,000) square feet
- 2) *Minimum Lot Width:* One hundred twenty-five (125) feet at building line
- 3) *Minimum Road Frontage:* Sixty (60) feet
- 4) *Maximum Structure Height:* Thirty-five (35) feet (unless otherwise permitted)
- 5) *Minimum Yard Setbacks:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Thirty (30) feet
 - c. *Side yard:* Twenty-five (25) feet
- 6) *Maximum Building Coverage:* Twenty (20) percent
- 7) *Minimum Yard Setbacks for Accessory Structures:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Fifteen (15) feet
 - c. *Side yard:* Fifteen (15) feet

4. B, Business District

(a) *Purpose.* The purpose of the Business District is to provide for the development of commercial enterprise that may provide essential retail and service business to the community and region, in order to provide a diversified economy. The height of buildings and uses should not adversely affect the adjacent neighborhood.

(b) *Permitted principal and accessory structures and uses:*

- 1) Dwelling, single-family
- 2) Dwelling, two-family
- 3) Private garages, carports and accessory buildings.

(c) *Permitted principal and accessory structures and uses – Site Plan Required:*

- 1) Dwelling, multiple
- 2) Boarding or Nursing Home
- 3) Funeral Home
- 4) Hotel
- 5) Bed and Breakfast
- 6) Dog Kennel
- 7) Veterinarian facility, provided that pens or open kennels shall be located at least two hundred (200) feet from any lot line
- 8) Place of Worship
- 9) Library
- 10) Public park
- 11) Commercial recreation facility
- 12) Community center and Town building
- 13) Theater
- 14) Police and Fire Station
- 15) Nursery – Commercial
- 16) Greenhouse - Commercial
- 17) Roadside stand
- 18) Restaurant and tavern
- 19) Winery, brewery, and distillery
- 20) Food truck
- 21) Gasoline service station and car wash establishment
- 22) Garage, public
- 23) Retail store and personal service business
- 24) Shopping center
- 25) Business and professional office
- 26) Bank
- 27) Wind Energy System, as permitted in Supplemental District Regulations

(d) *Permitted principal and accessory structures and uses – Site Plan and Special Use Permit Required:*

- 1) Electrical Substation
- 2) Towers, Antennas and Mobile Service Facilities, as permitted in Chapter 249
- 3) Warehouses and businesses engaged in light manufacturing
- 4) Storage Units
- 5) Solar Energy System, as permitted in Supplemental District Regulations
- 6) Home occupation, as permitted in Supplemental District Regulations (special use permit only)

(e) *General height, area, bulk and setback regulations:*

- 1) *Minimum Lot Area:* Sixty thousand (60,000) square feet
- 2) *Minimum Lot Width:* One hundred twenty-five (125) feet at building line
- 3) *Minimum Road Frontage:* Sixty (60) feet
- 4) *Maximum Structure Height:* Thirty-five (35) feet (unless otherwise permitted)
- 5) *Minimum Yard Setbacks:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Thirty (30) feet
 - c. *Side yard:* Twenty-five (25) feet
- 6) *Maximum Building Coverage:* Twenty (20) percent
- 7) *Minimum Yard Setbacks for Accessory Structures:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Fifteen (15) feet
 - c. *Side yard:* Fifteen (15) feet

5. I, Industrial District

(a) *Purpose.* The Industrial District is intended primarily for uses engaged in light manufacturing, assembly, fabrication, warehousing and retail trade, and service operations which conduct all activities with little external impact or effect. No structure or use shall be permitted which emits or would have a tendency to emit noise, vibration, radioactivity, glare, odor, gas, ground water pollution, fire, or explosion, at a level of intensity, duration and frequency as to unreasonably endanger the health, comfort or safety of any person or cause serious damage to neighboring property.

(b) *Permitted principal and accessory structures and uses-*

- 1) Dwelling, single-family
- 2) Dwelling, two-family
- 3) Private garages, carports and accessory buildings.

(c) *Permitted principal and accessory structures and uses – Site Plan Required:*

- 1) Dwelling, multiple
- 2) Boarding or Nursing Home

- 3) Funeral Home
- 4) Hotel
- 5) Dog Kennel
- 6) Veterinarian facility, provided that pens or open kennels shall be located at least two hundred (200) feet from any lot line
- 7) Place of Worship
- 8) Library
- 9) Public park
- 10) Commercial recreation facility
- 11) Community center and Town building
- 12) Theater
- 13) Police and Fire Station
- 14) Nursery – commercial
- 15) Greenhouse – commercial
- 16) Restaurant and tavern
- 17) Winery, brewery, and distillery
- 18) Food truck
- 19) Gasoline service station and car wash establishment
- 20) Garage, public
- 21) Retail store and personal service business
- 22) Shopping center
- 23) Business and professional office
- 24) Banks
- 25) Wind Energy systems, as permitted in Supplemental District Regulations

(d) Permitted principal and accessory structures and uses – Site Plan and Special Use Permit Required:

- 1) Electrical Substation
- 2) Towers, Antennas and Mobile Service Facilities, as permitted/regulated by Chapter ____ (LL No. 1-1997)
- 3) Warehouse
- 4) Light manufacturing
- 5) Junk Yard
- 6) Lumber Yard
- 7) Storage Unit
- 8) Solar Energy Systems, as permitted in Supplemental District Regulations
- 9) Adult Entertainment, as permitted in Supplemental District Regulations

(e) General height, area, bulk and setback regulations – Residential Uses:

- 1) *Minimum Lot Area:* Sixty thousand (60,000) square feet
- 2) *Minimum Lot Width:* One hundred twenty-five (125) feet at building setback line
- 3) *Minimum Road Frontage:* Sixty (60) feet
- 4) *Maximum Structure Height:* Thirty-five (35) feet (unless otherwise permitted)

- 5) *Minimum Yard Setbacks:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Thirty (30) feet
 - c. *Side yard:* Twenty-five (25) feet
- 6) *Maximum Building Coverage: Twenty (20) percent*
- 7) *Minimum Yard Setbacks for Accessory Structures:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Fifteen (15) feet
 - c. *Side yard:* Fifteen (15) feet

General height, area, bulk and setback regulations – Business Uses:

- 1) *Minimum Lot Area:* Twenty thousand (20,000) square feet subject to the availability of public utilities. This may be amended by the reviewing board.
- 2) *Minimum Lot Width:* One hundred twenty-five (125) feet at building setback line
- 3) *Minimum Road Frontage:* Sixty (60) feet
- 4) *Maximum Structure Height:* Thirty-five (35) feet (unless otherwise permitted)
- 5) *Minimum Yard Setbacks:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Thirty (30) feet
 - c. *Side yard:* Twenty-five (25) feet
- 6) *Minimum Yard Setbacks for Accessory Structures:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Fifteen (15) feet
 - c. *Side yard:* Fifteen (15) feet

6. RPC, Residential Planned Cluster District

(a) *Purpose.* The purpose of the Residential Planned Cluster District is to allow for the development of well-planned residential neighborhoods which utilize the natural beauty of the existing topography and watercourses in order to protect the community's unique and significant natural resources.

(b) *Permitted principal and accessory structures and uses:*

- 1) Dwelling, single-family
- 2) Dwelling, two-family
- 3) Private garages, carports and accessory buildings.
- 4) Solar Energy Systems, as permitted/regulated by Chapter ____ (LL No. 1-2018)

(c) *Permitted principal and accessory structures and uses – Site Plan Required:*

- 1) Place of Worship
- 2) Library
- 3) Public park
- 4) Community Center and Town Building

- 5) Police and Fire Station
- 6) Wind Energy System, as permitted in Supplemental District Regulations

(d) *Permitted principal and accessory structures and uses – Site Plan and Special Use Permit Required:*

- 1) Electrical Substation
- 2) Home Occupation (special use permit only)

(e) *Height, area and setback regulations.*

- 1) *Minimum Lot Area:* Sixty thousand (60,000) square feet (except twenty thousand [20,000] square feet if the development is served by public water and sewage utilities)
- 2) *Minimum Lot Width:* One hundred twenty-five (125) feet at building line
- 3) *Minimum Road Frontage:* Sixty (60) feet
- 4) *Maximum Structure Height:* Thirty-five (35) feet (unless otherwise permitted)
- 5) *Minimum Yard Setbacks:*
 - a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Thirty (30) feet
 - c. *Side yard:* Twenty-five (25) feet

- 6) *Maximum Lot Coverage:* Twenty (20) percent

7) *Minimum Yard Setbacks for Accessory Structures:*

- a. *Front yard:* Fifty (50) feet
- b. *Rear yard:* Fifteen (15) feet
- c. *Side yard:* Fifteen (15) feet

(f) *Standards:*

- 1) Dwelling units may be distributed uniformly on separate lots throughout the development or they may be clustered in detached buildings, architecturally designed, and laid out to furnish personal and separate occupancy of land and housing for indoor and outdoor privacy for each dwelling, as approved by the Planning Board.
- 2) Traffic circulation, parking, common open space and recreational facilities, utilities, landscaping and other amenities deemed by the Planning Board to be adequate and appropriate to a durable, healthy and pleasant residential environment, compatible with neighboring land uses and zoning.
- 3) Ownership and responsibility for maintenance of each separate lot and dwelling unit and all common areas and private improvements in the development shall be assured by recorded covenants to run with the land for the benefits of the residents in and neighboring to the development.
- 4) The development must meet the requirements of the Town of LaFayette Subdivision Regulations and a Final Subdivision Plat showing all physical features of the development must be approved and filed as a prerequisite to the issuance of any Building Permit for dwellings in the development.

7. RM, Residential Multifamily District

(a) *Purpose.* The purpose of the Residential Multifamily district is to provide for multifamily dwellings and their accessory uses. Multifamily dwellings are permitted in order to accommodate a higher density residential district. Care shall be taken to preserve and protect the residential character of this district.

(b) *Permitted principal and accessory structures and uses:*

- 1) Dwelling, single-family
- 2) Dwelling, two-family
- 3) Private garages, carports and accessory buildings
- 4) Solar Energy Systems, as permitted/regulated by Chapter ____ (LL No. 1-2018)

(c) *Permitted principal and accessory structures and uses – Site Plan required:*

- 1) Dwelling, multiple
- 2) Bed and Breakfast
- 3) Place of Worship
- 4) School
- 5) Library
- 6) Public park
- 7) Commercial recreation facility
- 8) Community center and Town building
- 9) Police and Fire Station
- 10) Manufactured home park
- 11) Wind Energy systems, as permitted in Supplemental District Regulations

(d) *Permitted principal and accessory structures and uses – Site Plan and Special Use Permit required:*

- 1) Electrical Substation
- 2) Home occupation (special use permit only)

(e) *Height, area, bulk and setback regulations.*

- 1) *Minimum Lot Area:* Five (5) Acres
- 2) *Minimum Lot Width:* Three hundred (300) feet at building line
- 3) *Minimum Road Frontage:* Three hundred (300) feet
- 4) *Maximum Structure Height:* Thirty-five (35) feet (unless otherwise permitted)
- 5) *Minimum Yard Setbacks:*
 - a. *Front yard:* Seventy-five (75) feet
 - b. *Rear yard:* Forty (40) feet
 - c. *Side yard:* Fifty (50) feet
- 6) *Maximum Lot Coverage:* Thirty (30) percent
- 7) *Minimum Yard Setbacks for Accessory Structures:*

- a. *Front yard:* Fifty (50) feet
 - b. *Rear yard:* Fifteen (15) feet
 - c. *Side yard:* Fifteen (15) feet
- (f) Distance between principal buildings or manufactured homes shall be not less than the height of the taller building or twenty (20) feet, unless the two adjoining walls have a two-hour fire rating. No exterior building wall containing windows opening from dwelling quarters shall be closer to another facing wall than twice the height of the other wall.
- (g) Common open space: An area equal to one thousand (1,000) square feet for each dwelling unit shall be developed and maintained as common open space for active and passive recreation in addition to space required for parking and driveways.
- (h) The development shall be architecturally designed and laid out to furnish traffic circulation, parking, common open space and recreational facilities, utilities, landscaping, and other amenities deemed by the Planning Board to be adequate and appropriate to a durable, healthy, and pleasant multifamily or mobile home residential environment, compatible with neighboring land use and zoning.
8. CPD, Commercial Planned Development District
- (a) *Purpose.* The purpose of the Commercial Planned Development (CPD) District is to allow for the development of well-planned commercial development that utilizes the natural beauty of the existing topography and watercourses in order to protect the community's unique and significant natural resources. It is intended to allow flexible setbacks and variable lot sizes.
- (b) *Procedure.* Application to create or modify a CPD District shall be initiated by filing a written petition and preliminary development plan with the Town Board. Such application and plan shall disclose all property boundaries, existing structures and land use, adjoining and neighboring ownership, zoning and land use, proposed structures and land use, existing and proposed topography utilities, landscaping parking, curbing, signs and other physical features. The Town Board may deny the application or may refer it to the Planning Board for recommendation. If referred, the Planning Board shall promptly review the application for compliance with standards contained in paragraph (c) of this Section and may designate further conditions and regulations deemed necessary to permit a finding of compliance with such standards. The Planning Board may then recommend approval of the final development plan. Upon recommendation of the Planning Board and in accordance with procedures of Section 265 of the Town Law and other applicable laws, the Town Board may amend the Zoning Ordinance and Map to create or modify a Commercial Planned Development (CPD) District, the structures, uses and regulations for which shall be in strict accordance with the approved final development plan.
- (c) *Standards:* The Planning Board may approve a final development plan for a Commercial Planned Development (CPD) District upon findings that the plan:

- 1) Includes an area in excess of five (5) acres;
- 2) Proposes an appropriate development of the area with respect to its natural features, location and suitability for the intended structures and uses;
- 3) Proposes a combination of structures and uses in harmonious association and proportion with each other;
- 4) Proposes public utilities and highways adequate to service the included structures and uses;
- 5) Proposes a development of the area harmonious with an appropriate development of neighboring areas and not unreasonably detrimental to existing structures and uses in such areas; and
- 6) Limits building coverage of the development area to less than thirty percent (30%).

Section B: Interpretation of District Boundaries

(a) Uncertainty of the exact boundaries of districts as shown on the Zoning Map shall be resolved by the following rules:

- 1) Boundaries shown as approximately following center lines of streets, plotted lot lines of subdivision or shore lines of streams, lakes and reservoirs, shall be deemed to follow such lines;
- 2) Boundaries indicated as parallel to, or extensions of such street, to or shore lines shall be deemed parallel to or extensions of such lines.

(b) Distances not specifically set forth on the Zoning Map shall be determined by the scale of the Map

Section C: Lots in Two Districts

Should a district boundary line divide a lot, the uses and regulations of the less restricted portion of the lot may be extended into the more restricted portion, upon Special Use Permit and approval of the Zoning Board of Appeals, provided the less restricted portion of the lot has frontage on a public street.

Article 3 - Explicitly Prohibited Uses

Section A: Land Application, Natural Gas and/or Petroleum Extraction, Exploration or Production Activities.

(a) The following uses and activities are hereby expressly and explicitly prohibited in each and every zoning district within the Town, and no building or structure shall be created, altered, erected, and no body of water, land or building thereon shall be used, for any of such uses or activities:

- 1) Land Application Facility;
- 2) Natural Gas and/or Petroleum Exploration Activities;
- 3) Natural Gas and/or Petroleum Extraction Activities;
- 4) Natural Gas and/or Petroleum Extraction, Exploration, or Production Wastes Disposal/ Storage Facility;

- 5) Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes Dump;
- 6) Natural Gas Compression Facility;
- 7) Natural Gas Processing Facility;
- 8) Non-regulated pipelines;
- 9) Underground Injection; and
- 10) Underground Natural Gas Storage.

Any condition caused or permitted to exist in violation of this Section is a threat to public health, safety and welfare, and is hereby declared and deemed to be a nuisance. Collectively the above expressly prohibited uses may be referred to in this Chapter as "Explicitly Prohibited Uses," any one of the above expressly prohibited uses may be referred to in this Chapter as an "Explicitly Prohibited Use," and any combination of more than one such use may also be referred to as "Expressly Prohibited Uses."

- (b) Prohibition Against Natural Gas and/or Petroleum Extraction, Exploration Or Production Wastes. The Town of LaFayette hereby exercises its authority and right under NY ECL § 27-0711 to adopt local legislation that is consistent with the Environmental Conservation Law Article 27, such consistency demonstrated by the fact that this Section complies "with at least the minimum applicable requirements" set forth in such statute, and the rules and regulations promulgated pursuant to said Article 27.

It shall be unlawful for any person to produce, store, inject, discard, discharge, dispose, release or maintain, or to suffer, cause or permit to be produced, stored, injected discarded, discharged, disposed, released or maintained, anywhere within the Town any Natural Gas And/or Petroleum Extraction, Exploration or Production Wastes.

- (c) No Application to Customary Local Distribution Lines, Etc. The prohibitions set forth above in this Section are not intended, and shall not be construed to (a) prevent or prohibit the right to use roadways in commerce or otherwise for travel; (b) prevent or prohibit transmission lines or the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supply natural gas to residents of or buildings located in the Town; or (c) prevent or prohibit the incident or normal sale, storage, or use of lubricating oil, heating oil gasoline, diesel fuel, kerosene, or propane in connection with legal Agriculture, residential, business, commercial, and other uses within the Town.

- (d) Pre-Existing, Legal Non-Conforming Natural Gas and/or Petroleum Extraction Activities.

- 1) Notwithstanding any provision of the Town of LaFayette Zoning Code to the contrary, any Natural Gas And/ Or Petroleum Activities that are being conducted in the Town as of the effective date of this section shall be subject to the following:
 - i. If, as of the effective date of this section, substantive Natural Gas And/or Petroleum Activities are occurring in the Town, and those activities are in all respects being conducted in accordance with all applicable laws and regulations, including without limitation all valid permits required to be issued by the New York State Department of Environmental Conservation ("DEC") and all other regulating agencies for such activities, then and only

then shall such Activity be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however to the provisions of clauses (b) and (c) of this subsection.

- ii. Natural Gas and/or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this law and which do not qualify for treatment under the preceding clause shall not be grandfathered, and shall in all respects be prohibited as contemplated by Subsection 1 of this Section.
- 2) Upon the depletion of any well which is allowed to remain in operation after the effective date of this law by virtue of clause (a)(i) of this subsection, or upon any other substantive cessation of Natural Gas And/or Petroleum Activities (otherwise grandfathered by virtue of clause (a)(i) of this subsection for a period of more than twelve (12) months, then and in such event the non-conforming use status of such Activity shall terminate, and thereafter such Natural Gas And/or Petroleum Extraction Activities shall in all respects be prohibited as contemplated by Subsection 1 of this Section.
- 3) Notwithstanding any provisions hereof to the contrary, the pre-existing, non-conforming status conferred and recognized by clause (a)(i) of this subsection is not intended, and shall not be construed, to authorize or grandfather any Natural Gas And/or Petroleum Activities extending beyond whatever well bore is authorized in any DEC permit in existence as of the effective date of this amendatory Chapter. Any expansion or attempted or purported expansion shall not be grandfathered under clause (a)(i) of this subsection, and instead shall in all respects be prohibited as contemplated by Subsection 1 of this Section.

Article 4 – Parking, Signs, Exceptions

Section A: Parking

The following parking spaces shall be provided and maintained on the same lot for each structure hereafter erected, enlarged or altered for any of the following uses:

<u>Uses</u>	<u>Number of Parking Spaces</u>
Residential	Two for each dwelling unit
Place of Worship, theater, and other places of public assembly.	One for each four seats at maximum capacity
Hotel and boarding house	One for each guest room
Restaurant and tavern	One for each one hundred square feet of gross floor area

Office	One for each three hundred square feet of gross floor area
Store	One for each one hundred square feet of gross floor area
Institution, hospital, and nursing home	One for each 3 beds
Industrial or manufacturing	One for each four hundred square feet of manufacturing gross floor area
Warehouse	One for each employee
Other commercial enterprise	One for each three hundred square feet of gross floor area

The Zoning Board of Appeals may approve by Special Use Permit the off-site location of all or part of the above spaces upon finding that such spaces are unavailable on the same lot. Offsite parking must be located within 500 feet of the use, and the spaces must be permanent, off-street, and accessible.

Section B: Signs

1. General regulations:

The following regulations shall apply to all signs:

- 1) No sign shall be allowed in the road right-of-way.
- 2) No signs in any district, unless attached to a building, shall be located less than twenty (20) feet from a property line.
- 3) No sign attached to a building shall project above the height of the wall upon which it is attached. No sign shall be placed upon the roof of a building. No free-standing sign shall be higher than (25) feet twenty-five above grade.
- 4) No illuminated sign shall interfere with the vision of persons on the highway, nor be unreasonably detrimental to adjoining a neighboring use(s). All effort shall be made to be night sky compliant.
- 5) Electronic, video, or digital message portions of signs may be permitted in the H, B, and I Districts. The sign shall not exceed fifteen (15) square feet. Flashing of messages or images is prohibited. Automatic dimming capability that adjusts the brightness of the sign to the ambient light at all times of the day and night is required.

- 6) An application for Special Use Permit approval must be made to the Zoning Board of Appeals for all signs in excess of fifteen (15) square feet which shall be regarded as structures within the meaning of this Chapter.
- 7) Not more than two advertising signs, which may be illuminated on one or two faces for the identification of the business or industry, are permitted on the premises. Such free-standing signs shall not have an area greater than fifteen (15) square feet. Such signs attached to the building, may not have an area greater than twelve (12) percent of the street facade of the principal building. Advertising signs shall be limited to the Hamlet, Business, Industrial and CPD districts, except that signs advertising home occupations up to 2' x 2' are allowed in any district in which home occupation use is authorized.
- 8) No more than two directional signs per business shall be allowed, except in the H District, and may not have a greater area than two (2) square feet. Permission from property owner must be granted.
- 9) In the AG, R1, RPC, and RM districts, no sign shall be erected or used except:
 - a) A single sign may be allowed for the identification of the principal buildings and uses on the premises, or for the sale of agricultural products grown on premises. Such signs shall not exceed ten (10) square feet in area. This sign may be illuminated in one or two faces, except in R1 and RPC Districts.
 - b) Governmental, traffic, legal and public signs, and flags, plaques and emblems of political, civic, philanthropic, educational or religious organizations or institutions.
 - c) Temporary real estate and construction signs.

Section C: Nonconforming Lots, Structures, and Uses

Within the districts established by this Chapter, there exist lots, structures, and uses of land which were lawful before the Town of LaFayette's zoning ordinance was originally adopted or amended but which would be prohibited, regulated or restricted under the terms of this Chapter or further amendment. It is the intent of this section to permit these nonconformities to continue until they are removed or abandoned; but not to encourage their survival to the extent practicable. It is further the intent of the Town that nonconforming uses shall not be enlarged upon, expanded, extended nor that they be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Except as otherwise provided herein, legal nonconforming uses and structures may continue to exist and may be maintained and repaired. A nonconforming structure that is declared unsafe by a proper official of the Town, may be strengthened or restored to a safe condition. Such repair and/or restoration must be completed within one (1) year of the date the damage was sustained or sooner if required in writing by the Code Enforcement Officer. Failure to do so shall be considered an abandonment. This period may be extended for up to one (1) additional year upon application to the Zoning Board of Appeals for good cause shown.

Nonconforming uses are hereby declared to be incompatible with permitted uses in the districts involved. A nonconforming use may be expanded into any portion of a building that existed as of the

date of provision of this Chapter, which would otherwise prohibit such use. In all other cases, a nonconforming use of a structure or land shall not be extended or enlarged nor shall the existence of a legal nonconforming use serve as grounds for adding structures or uses otherwise prohibited in the same zoning district.

A nonconforming structure or building may not be extended or enlarged unless the owner thereof shall first apply to the Zoning Board of Appeals and receive a Special Use Permit authorizing such extension or enlargement. In granting such a Permit, the Board of Appeals must find that such proposed extension or enlargement will not be detrimental to the neighborhood.

A nonconforming lot shall not be further reduced in size.

No nonconforming use, or part thereof, if wholly or partially changed to a conforming use shall thereafter be changed back to a nonconforming use.

In any district, whenever a nonconforming use of land or structure on any part or portion thereof has been discontinued for a period of one (1) year, such nonconforming use shall not thereafter be reestablished, and all future uses shall be in conformity with the provisions of this Chapter as it may be amended. If abandonment is physically demonstrated by the removal of buildings, structures, machinery, equipment and other evidence of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be completed and all rights to reestablish or continue such nonconforming use shall thereupon terminate, regardless of the period of time, unless authorized by the Zoning Board of Appeals.

Section D: Building Line Exception

When a property has buildings on the adjoining properties that have nonconforming front yard setbacks, the proposed building may be erected with the same setbacks as the adjoining buildings, but not less than twenty (20) feet from the property line.

Section E: Corner Lots

Each Corner lot will have two front yards. The setbacks for these two yards will be the smaller of the district's front yard setback or the front yard setback of the adjoining property. These yards shall be unoccupied except for fences and landscaping less than 3 feet high.

Section F: Excavation and Top Soil Removal

Except upon Special Use Permit of the Zoning Board of Appeals, no person shall strip, excavate or remove the top soil or fill for sale or for use other than on the premises from which the same shall be taken, and no excavation shall result in a slope of more than one foot vertical to two feet horizontal, unless through proper use of retaining walls and fencing, equivalent safety to person and property can be obtained, and no such excavation shall be permitted to cause erosion gullies and soil loss.

Section G: Stormwater Pollution Prevention

A Stormwater Pollution Prevention Plan ("SWPPP") consistent with the requirements of Chapter 234 of this Code (Local Law No. 2-2012) shall be required for all land development activities, as that term is defined in Chapter 234. The SWPPP shall meet the performance and design criteria and standards in Chapter 234.

Article 5 – Supplemental District Regulations

Section A: Home Occupations

(a) *Purpose.* A home occupation shall include, but is not limited to, an art studio; tailor; professional offices; hair styling shop; music instruction; etc. A home occupation shall be carried on completely within the first floor of the existing principle residence. A home occupation is an allowed use in all districts detailed in Article 2 so long as it is conducted lawfully and does not produce conditions which cause a nuisance. A two (2) square foot sign may be displayed announcing the business. Violations of this section may result in the loss of the ability to operate the home occupation. No home occupation shall be allowed if it:

- 1) Changes the outside appearance of the dwelling or is visible from the street;
- 2) Generates traffic, parking, or noise in excess of what is normal in a residential neighborhood;
- 3) Creates a hazard to person or property, results in electrical interference, or becomes a nuisance;
- 4) Results in outside activities, storage or display.

(b) *Standards.* A home occupation shall be permitted upon issuance of a special use permit by the Zoning Board of Appeals and shall be an activity which is clearly incidental and secondary to the use of the premises as a residence, provided that:

- 1) The activity is conducted wholly within the dwelling and on the first floor.
- 2) The activity employs no more than two (2) employees at any given time, other than family members residing in the dwelling unit.
- 3) Studios for instruction in vocal or instrumental music or dancing shall be equipped and used so that sounds therefrom shall not be heard on nearby premises.
- 4) The activity creates no increased traffic caused by the home occupation.
- 5) There is no outside appearance of a home occupation including, but not limited to, parking, signs or lights.
- 6) The activity does not involve an illegal activity.
- 7) The activity does not require the receipt, storage, or shipping of any hazardous materials in quantities exceeding those allowable in the current fire code.
- 8) The area used for the activity cannot exceed twenty-five percent (25%) of the area of the dwelling.
- 9) The retail sale of product or merchandise is prohibited.

Section B: Temporary Uses

(a) *Purpose.* This section is designed to provide for certain land uses and structures which are needed, or are in place, for only short periods of time (e.g., up to ninety [90] days unless otherwise permitted by the Code Enforcement Officer). These uses are permitted in all zoning districts because they are useful or necessary, and because they do not permanently impact surrounding property.

(b) *Temporary uses allowed.* The following temporary uses of land are permitted in any zoning district, subject to the specific regulations and time limits which follow, and subject to the other applicable regulations of the district in which the use is to occur.

- 1) Contractor's office, equipment trailers and sheds (containing no sleeping or cooking accommodations) accessory to a construction project are permitted only during the duration of such project and they shall be located on the same property as the construction project. All such temporary structures shall be removed upon occupancy of the completed construction, or upon completion or abandonment of the construction work, whichever occurs first.
- 2) Temporary housing for a person who has a building permit to erect a single-family home may apply for a temporary Certificate of Occupancy to place a temporary residence home on the property for a period of 90 days.
- 3) Real estate office (containing no sleeping or cooking accommodations, unless located in a model dwelling unit) incidental to new housing or other development, provided such office may continue only until the sale or lease of all dwelling units or nonresidential space in the development is completed.
- 4) Retail sales, such as bazaars, craft sales, and Christmas tree sales, provided that such activities do not exceed a total of thirty (30) days within a twelve-month period.
- 5) Garage or yard sales, provided that no more than four (4) garage or yard sales per calendar year shall be allowed, and provided that each garage or yard sale shall not exceed a period of three (3) consecutive days.

Section C: Wind energy systems

(a) *Purpose and intent:* The Town recognizes the increased demand for alternative generating facilities. At the same time, the Town understands the valid concerns and interests that its residents have in the aesthetic enjoyment of their homes and properties. The purpose of these regulations is to protect the community's interest in properly allowing landowners and private providers to meet their power generating objectives. Moreover, these regulations are designed to provide for the health, safety and welfare of the residents of the Town while balancing the sometimes competing interests of those who support and object to wind energy systems. In addition, the purpose of these regulations is to provide standards for private wind energy systems designed for home, farm, and small commercial use on the same parcel, and that are primarily used to reduce consumption of utility power at that location.

(b) *Minimum requirements:*

- 1) APPROVAL REQUIRED. All wind energy systems in the Town are subject to Site Plan approval from the Planning Board.
 - i. Such Site Plan approval shall be made in accordance with the standards and procedures of this Chapter.

- ii. In the case of a conflict between the provisions of this Article and other regulations contained in this Chapter, the provisions of this Article shall apply.

2) APPLICATIONS: Applicants for wind energy systems shall fill out a Site Plan application and include the following information:

- i. All Site Plan application requirements as set forth in Article 6, Section E of this Chapter.
- ii. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
- iii. Sufficient information demonstrating that the system will be used primarily to reduce electricity cost at that location.
- iv. Manufacturer information for the proposed wind energy system, including, but not limited to, the system specifications and any available photographs of the proposed system.
- v. The applicable environmental assessment form, including a visual assessment
- vi. Any other information requested by the Planning Board

~~3) STANDARDS: Wind energy systems shall comply with all the requirements of this Chapter that are not in conflict with the requirements contained in this Article. In addition, all wind energy systems shall comply with the following standards:~~

- i. Number of systems.
 - 1) Only one wind energy system per legal lot shall be allowed. In addition, such legal lot must include a structure and may not be vacant land.
 - 2) Notwithstanding the forgoing, up to three (3) wind energy systems shall be allowed on any farm actively used for agricultural purposes.
- ii. Setback requirements. A wind energy system shall comply with all setbacks within the affected zoning. In addition, wind energy systems shall be set back a distance equal to one- hundred ten (110%) percent of the Tower Height from all property lines, public road rights of ways and power lines.
- iii. The Tower Height of any wind energy system may not exceed one hundred twenty-five (125) feet. The allowed Tower Height shall be reduced if necessary to comply with applicable Federal Aviation Administration requirements.
- iv. Exterior lighting on any structure associated with the tower shall not be allowed except that which is specifically required by the Federal Aviation Administration.
- v. Wind energy systems may be designed as either a monopole or lattice structure.

- vi. Noise: The level of noise produced during operation of a wind energy system shall not exceed 50 Dba, as measured at the property lines owned by anyone other than the site owner, as those boundaries exist at the time of the site plan application. The applicant will be required to submit technical data proving such performance standard to the satisfaction of the Planning Board as to this requirement.
- vii. All power lines from the wind energy system to on-site interconnection equipment shall be located underground.
- viii. Wind energy systems shall not be installed in any location along the major axis of an existing microwave communications operation where its operation is likely to produce an electromagnetic interference in the link's operation.
- ix. Wind energy systems shall not be installed in any location where its proximity interferes with existing fixed broadcast, retransmission, or reception antennae for radio, television or wireless phone.
- x. The wind energy system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
- xi. No wind energy system shall be permitted which lacks automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components or enclosed shelter.
- xii. Wind energy systems shall be constructed to provide one of the following means of access control, or other appropriate method of access:
 - 1) Tower- climbing apparatus located no closer than 12 feet from the ground; or
 - 2) A locked anti-climb device installed on the wind energy system; or
 - 3) A locked protective fence at least six feet in height that encloses the wind energy system.
- xiii. Anchor points for any guy wires for the wind energy system shall be located within the property that the system is located on and not on or across any aboveground electric transmission or distribution lines. The point of attachment for the guy wires to the anchor points shall be sheathed in a bright color from three to eight feet above ground.
- xiv. All wind energy systems shall be equipped with manual and automatic over-

speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

- xv. Wind energy systems shall be constructed so that wind energy system blades shall maintain a minimum of twenty-five (25) feet clearance from the ground surface.
- 4) In granting the Site plan Use for a wind energy system, the Planning Board may impose reasonable conditions to the extent that such Board concludes that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties.

(c) Maintenance and Inspection

1. Maintenance: All wind energy systems shall be maintained in good condition and in accordance with all requirements of this section.
2. Inspection: The Zoning Officer and/or Town Engineer shall have the right at any reasonable time to enter, upon notice to the owner, the premises on which a wind energy system is being constructed, and on a routine administrative basis thereafter once every five (5) years, upon notice to the owner, to inspect all parts of said wind energy system installation and require that repairs or alterations be made if in the judgment of said Officer or Engineer there exists a deficiency in the operation or the structural stability of the system. If necessary, The Zoning Officer or Town Engineer may order that the system be secured or otherwise cease operation. It shall not be required that the owner or agent be notified in advance in the event of an emergency situation involving danger to life, limb or property for the Zoning Officer or his designee to enter the premises for purposes of inspecting such system.
3. The Town is located astride a major north-south bird and bat migration corridor. Small wind turbines are not currently known to have significant adverse impact on wildlife. However, the Town wants to learn about any potential adverse impacts and therefore the wind energy system owner agrees to permit periodic access to wind energy system sites by scientists or professionals, if requested, to conduct low-profile studies or assessments of short duration (hours or days) for the purposes of studying such impacts. Such research projects, if conducted, must be done by qualified professionals, or scientists from recognized institutions. Permission to enter the Owner's premises in order to conduct a study must be requested beforehand and results made available to the wind energy system owner. Results may also be published in technical journals. If such a study request is made by a qualified individual, the wind energy system owner shall grant it, including reasonable parameters for the conduct of data collection. A copy of any study results will be delivered to the Town.
4. Abandonment of use: A wind energy system that is not used for six successive months shall be deemed abandoned and shall be dismantled and removed from the property at

the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any permit shall constitute grounds for the revocation of the site plan approval by the Town. In addition, failure to remove an obsolete or unused tower in accordance with this section shall be a violation of this section. If said abandoned wind energy system is not dismantled and removed within three months of abandonment, the Town may dismantle and remove said wind energy system and the cost of removing the wind energy system shall be a lien on the property and added to the property owner's tax bill.

Section D: Taxidermy

- a) *Purpose:* The purpose of these regulations is to establish specific standards for Taxidermy. The intent is to preserve the integrity of the existing residential areas while allowing this use on properties that can accommodate the use. Taxidermy shall only be allowed in the AG District and shall require a Special Use Permit.
- b) *Standards:*
- 1) Must be located on a parcel containing at least five (5) acres of contiguous land.
 - 2) All operations must be located within a fully enclosed structure.
 - 3) Must have all required permits and licenses in place at all times and provide copies to the Town Clerk.
 - 4) Must provide a detailed plan for storage of animal remains on a routine basis so as to minimize odors, vermin and other potential environmental impacts.
 - 5) Must provide a written plan for waste disposal that is in accordance with all County, State, and Federal laws.
 - 6) Shall only be allowed as an accessory use and may not be a principal use of the subject property.

Section E: Commercial Animal Crematorium

- a) *Purpose:* The purpose of these regulations is to establish specific standards for Commercial Animal Crematorium. The intent is to preserve the integrity of the existing residential areas while allowing this use on properties that can accommodate the use. Commercial Animal Crematorium shall only be allowed in the AG District and shall require a Special Use Permit.
- b) *Standards:*
- 1) Must be located on a parcel containing at least thirty (30) acres of contiguous land.
 - 2) May not be located closer than 500 feet from the nearest residential property line.
 - 3) All incineration equipment must be located within a fully enclosed structure.
 - 4) No animal exceeding 350 pounds may be processed.
 - 5) Must have all required permits and licenses in place at all times and provide copies to the Town Clerk.
 - 6) Operations are limited between the hours of 7 a.m. and 11 p.m.
 - 7) Must provide a detailed plan for storage of animal remains on a routine basis and in case of system failure so as to minimize odors, vermin and other potential environmental impacts.

- 8) Waste stream is limited to primarily animal carcasses and in no event shall include regulated medical waste, hazardous waste, or any other waste stream controlled or regulated by the Federal or State government.
- 9) Must provide a plan for ash and residue disposal that is in accordance with all County, State and Federal laws.
- 10) Shall only be allowed as an accessory use and may not be a principal use of the subject property.

Section F: Adult Entertainment

a) *Purpose:* It is recognized that buildings and establishments operated as adult uses have serious objectionable operational characteristics. In order to promote the health, safety and general welfare of the residents of the Town of LaFayette, this section is intended to restrict adult uses to industrially zoned areas of the Town. The Town Board has found that the operational characteristics of adult uses and the secondary effects of adult uses increase the detrimental impact on a community when such uses are spread throughout the community. Therefore, this section is intended to promote the health, safety and general welfare of the residents of the Town of LaFayette by regulating the concentration and location of adult uses. This section has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by the distributors and exhibitors or adult entertainment and/or sexually orientated entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

b) *Definitions:* The following terms shall, for the purpose of this section, have the meaning shown herein.

ADULT ARCADE: An establishment where, for any form of consideration, one or more still or motion picture projectors, slides projectors, or similar machines, or other image producing machines, for viewing for five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE OR VIDEO STORE: A business which (i) derives twenty-five percent (25%) or more of its gross income from the sale, or rental of, or (ii) utilizes twenty-five percent (25%) or more of its retail selling area for, or (iii) has stock comprised of twenty-five percent (25%) or more of, any of the following: Books, magazines, periodicals, films, motion pictures, video cassettes, DVDs, slides, compact discs and/or computer generation or their visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT CABARET: A nightclub, bar, restaurant, bottle club, juice bar, club or similar commercial establishment, whether or not alcoholic beverages are served, which features:

- i. Persons who appear nude or in a state of nudity or semi-nudity; or
- ii. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;

- iii. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT LIVE ENTERTAINMENT: A business where an adult male or female exposes parts of their body identified in specified anatomical areas.

ADULT HOTEL: A hotel or similar business which:

- i. Offers public accommodations, for any form of consideration, which provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television or;
- ii. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
- iii. Allows a tenant or occupant to sub-rent the sleeping room for a period of time less than ten (10) hours.

ADULT MOTION PICTURE THEATER: An enclosed or unenclosed building or structure or portion of a building or structure or driver-in theater used for presenting materials having, as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observations by patrons therein.

ADULT NOVELTY STORE: A business which (i) derives a twenty-five (25%) or more of its gross income from the sale, or rental of, or (ii) utilizes twenty-five percent (25%) or more of its retail selling area for (iii) has stock comprised of twenty-five percent (25%) or more of, any of the following: instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

ADULT USE: Any business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting describing or relating to specified sexual activities or specified anatomical areas, including but not limited to adult arcades, adult bookstores or video stores, adult cabarets, adult live entertainment, adult hotels, adult motion picture theaters, adult novelty stores, and massage establishments.

Specified anatomical areas include any of the following:

- i. Less than the completely and opaquely covered human genitals, pubic region, pubic hair or buttocks or female breast or breasts below a point immediately above the top of the areola.
- ii. Human male genitals in a discernible turgid state even if completely and opaquely covered.

Specified sexual activities include any of the following:

- i. Human genitals in a state of sexual stimulation or arousal.

- ii. Acts of actual or simulated human masturbation, sexual intercourse, oral copulation or sodomy.
- iii. Fondling or other intentional erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- iv. Excretory functions as part of or in connection with any of the activities set forth in subdivisions A through C of this subsection.

MASSAGE: A method of treating the external part of the human body by rubbing, stroking, kneading or vibrating with the hand or any instrument or any other treatment or manipulation of the human body which occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto, exposes his or her specified anatomical areas.

MASSAGE ESTABLISHMENT: Any business where body rubs, body shampoos, massages (as defined above) or similar services are administered. This definition shall not include persons licensed or authorized pursuant to Article 155 of the Education Law, or specifically exempt from Article 155 of the Education Law See, Education Law Sections 7800 et seq.

SCHOOL: A public elementary, secondary, or high school, or university or college; and private schools with curricula equivalent to that of public elementary, secondary or high schools, or universities or colleges.

c) Restrictions on Adult Uses:

- 1) No adult use shall be allowed or permitted in any zoning district of the Town, except an Industrial District. All adult uses shall comply with all applicable provisions of the Zoning Chapter including those relating to structures and uses permitted in an Industrial District.
- 2) No person shall construct, establish, operate, or maintain, or be issued a certificate of occupancy for, any adult use within the Town unless such use meets the following standards:
 - i. No more than one adult use shall be allowed or permitted on any one lot.
 - ii. No adult use shall be allowed or permitted on a lot that is within 500 feet of: (a) any Residential District (AG, R1, RPC, RM) or the Hamlet (H) District; (b) any property that is used, in whole or in part, for residential purposes; (c) any Place of Worship or other regular place of worship, community center, library, school, nursery school, day-care center, public park, playground, recreational area or field; (d) any public buildings; and (e) any hotels.
 - iii. Where there is a conflict between the regulations as provided in this Section and any other chapter, law, rule or regulation of the Town including without limitation to the Zoning Chapter, the most restrictive law, chapter, rule or regulation shall apply.
 - iv. All distances set forth herein shall be measured from the building or structure in which the adult use is located or any sign advertising same to lot line of the receptor use.
- 3) No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any other lot, including but not limited to any lighting, display,

decoration, poster, photograph, video, sign, show, doorway, window, screen or other opening.

Section G: Roadside Stands

No roadside stand shall be constructed, reconstructed, erected, built or used in any use district except upon the submission of plans and specifications thereof to the Planning Board and upon written approval thereof by said Planning Board, subject to such conditions, restrictions and safeguards as may be deemed appropriate by said Planning Board. If, however, the roadside stand is operated by the owner of the land on which the stand is located, it shall be considered an allowed accessory use.

Section H: Height Limitations

Except for flag poles, utility poles and towers, Place of Worship spires, bell or clock towers, chimney flues, elevator bulkheads, approved communication antenna, approved wind energy systems or farm structures, no building or structure in the Town of LaFayette shall exceed the height of thirty-five (35) feet except upon granting of a variance by the Zoning Board of Appeals.

Section I: Manure Storage Facilities for CAFOs

(a) Purpose and Intent

The purpose of this section is to review the location, construction, installation, operation, use and abandonment of manure storage facilities for Concentrated Animal Feeding Operations (CAFOs) in order to prevent water pollution and other environmental impacts and thereby protect the health of the residents of the Town, and promote the prosperity and general welfare of the residents of the Town. The Town Board understands that from time-to-time, local farmers require the ability to store large quantities of manure in order to fertilize crops and carry out other farming operations in an efficient and economical manner. Nonetheless, the Town Board finds that manure storage facilities can be a potential threat to the health, safety and welfare of Town residents and the surrounding environment. The Town Board further finds that, despite the existence of State and Federal regulations, which set detailed performance standards for the construction and maintenance of such facilities, some measure of local oversight is required in order to ensure the transparency of the process surrounding the permitting, construction and expansion of these facilities.

(b) Authority

This section is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

(c) Repeal of Local Law No. 2-2017

Local Law No. 2-2017, "A Local Law to Amend the 1970 Zoning Ordinance of the Town of LaFayette to Create Site Plan Review Regulations for Liquid Manure Storage Facilities" is hereby repealed.

(d) Site Plan Review for Manure Storage Facilities

1. REGULATED ACTIVITIES

- a) Any person who designs, constructs, installs, reconstructs, enlarges, a manure storage facility for a CAFO, or employs another person to do the same, on land in the Town shall be subject to the provisions of this Section.
- b) No manure storage facility, or addition to an existing manure storage facility for a CAFO shall be constructed, installed, reconstructed, or enlarged prior to receiving site plan review by the Town Planning Board.

2. SITE PLAN APPLICATION

The applicant for site plan review shall submit the following:

- a) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.
- b) Show the existing features, of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
- c) Show the proposed location and arrangement of buildings; and uses on the site, including means of ingress and egress.
- d) Show the proposed location and arrangement of livestock containment areas or manure storage/manure composite sites.
- e) ~~Sketch of any proposed building manure storage facilities structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.~~
- f) Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to, accommodate the changes.
- g) Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
- h) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the, floodplain map and wetland map that corresponds, with the boundaries of the property.
- i) The applicant shall submit a copy of all plans, drawings or other documentation as may be required by the DEC or EPA for the manure storage facility.
- j) The number, kinds and weights of animals for which storage is provided and the duration for which storage is to be provided. Storage volume computations and the storage facility volume shall be provided.

- k) The structural details, load assumptions, design computations, dimensions, cross sections, concrete thickness, reinforcing steel to be used, and facility elevations. The construction and material specifications including, but not limited to, applicable specifications for earthen fill quantities and soil types, excavation quantities and soil types, timber and pipes for the proposed manure storage facility.
- l) The location of any existing well within three hundred feet (300') of the facility.
- m) The soil test pit locations and soil descriptions to a depth of at least five feet (5') below the planned bottom of the facility. Surface elevation of soil test pits shall be provided. Also results of any laboratory tests performed on the soils shall be provided.
- n) The elevation of high ground water level or bedrock if encountered in the soil profile and the date of any such determinations.
- o) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and ground water. The applicant shall show the location and distance of any surface flow path, well head, spring, or sinkhole within three hundred feet (300') of the facility.
- p) A time schedule for construction of the facility.
- q) A description of the method and materials proposed in transferring manure into and from the facility.
- r) All CAFOs shall provide an operation and maintenance plan, operating safety provisions and details of the manure transfer system, including, but not limited to, material quality.
- s) All CAFOs shall provide the type of fencing and signage to be used around the facility.
- t) Application form and fee (if required).

3. SITE REVIEW PROCEDURES

- a) The applicant must submit a complete application and fee.
- b) The Town Codes Enforcement Officer shall make a determination whether the application is complete within seven (7) days of submission. If the application is complete, the applicant may be placed on the Town Planning Board agenda for formal review.
- c) The Planning Board shall complete the review of the plan and application within forty-five (45) days of the submission of a complete application.

4. INSPECTIONS/ENFORCEMENT

- a) The Code Enforcement Officer of the Town of LaFayette may conduct onsite inspections until such time that the site plan review and construction process is completed.

5. ABANDONMENT

- a) The applicant shall submit to the Town a copy of the documents that the CAFO supplies to the New York State Department of Environmental Conservation for abandonment of a manure storage facility.

6. PENALTIES

- a) The owner of any such facility who commits or permits any acts in violation of any of the provisions of this Section or fails to comply with the provisions thereof shall be deemed to have committed an offense against such Section and also be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- b) For every violation of any provision of this Section, the person violating the same shall be subject to a fine of not more than Five Hundred (\$500.00) Dollars and/or fifteen (15) days in jail for each such offense. Such penalties shall be collectable by and in the name of the Town for each day that such violations shall continue.”

Section J: Solar Energy Systems

(a) Purpose and Intent

The purpose of this section is to permit and regulate the construction of solar energy systems in the Town of LaFayette in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy. The Town recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town’s energy demands and attract and promote green business development within the Town. The Town has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and businesses. This Article is intended to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.

(b) Authority

This section is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

(c) Applicability

This section shall apply to all solar energy systems in the Town of LaFayette which are installed or modified after the effective date of the local law which initially established these regulations. All solar energy systems which are installed or modified after that date shall be in compliance with all of the provisions hereof.

(d) Building-Integrated Solar Energy Systems.

- A. Districts where allowed. Building-Integrated Solar Energy Systems shall be permitted in all zoning districts within the Town subject to the submission of, application for and review and issuance of an applicable building permit.
- B. Building-Integrated Solar Energy Systems shall be subject to the general requirements set forth at Article X-A, Section F.

(e) Rooftop-Mounted Solar Energy Systems.

- A. Districts where allowed. Rooftop-Mounted Solar Energy Systems shall be permitted in all zoning districts within the Town subject to the following requirements:

(1) A building permit shall be required for installation of all Rooftop-Mounted Solar Energy Systems. An applicant shall submit the following application materials to the Code Enforcement Officer:

(a) A site plan showing location of major components of the Solar Energy System and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Uniform Fire Prevention and Building Code and the National Fire Protection Association codes, if applicable.

(b) One-Line or 3-Line Electrical Diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement may also be provided here.

(c) Specification Sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Town.

(d) All diagrams and plans must be prepared by a professional engineer or registered architect and contain the applicable professional's stamp, mark, and/or signature as required by New York State law and include the following:

[a] Project address, section, block and lot number of the property;

[b] Owner's name, address and phone number;

[c] Name, address and phone number of the person preparing the plans; and

[d] System capacity in kW-DC.

- (2) Rooftop-Mounted Solar Energy Systems shall not exceed the maximum allowed height of the principal use in the zoning district in which the System is located.
- (3) Rooftop-Mounted Solar Energy Systems shall be mounted parallel to the roof plane on which they are mounted. However, in the case of commercial buildings which have a flat roof, a titled mount may be allowed provided the panels are not visibly objectionably from the property line.
- (4) In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all Rooftop-Mounted Solar Energy Systems. Additionally, installations shall provide for adequate access and spacing in order to:
 - (a) Ensure access to the roof.
 - (b) Provide pathways to specific areas of the roof.
 - (c) Provide for smoke ventilation opportunity areas.
 - (d) Provide for emergency egress from the roof.
 - (e) Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:
 - [a] Unique site specific limitations;
 - [b] Alternative access opportunities (such as from adjoining roofs);
 - [c] Ground level access to the roof area in question;
 - [d] Other adequate ventilation opportunities when approved by the Codes Office;
 - [e] Adequate ventilation opportunities afforded by panels setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);
 - [f] Automatic ventilation devices; or
 - [g] New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

- B. In addition to the requirements set forth in this Section, Rooftop-Mounted Solar Energy Systems shall be subject to the general requirements set forth at Section F herein.
- C. Permit Review and Inspection Timeline. Permit determinations will be issued within fourteen (14) days upon receipt of complete and accurate applications.

(f) Ground-Mounted Solar Energy Systems.

- A. Districts where allowed. Ground-Mounted Solar Energy Systems are permitted as accessory uses in the Agricultural (AG) District, Residential Planned Cluster (RPC) District, Residential Multi-Family (RM) District, Business (B) District, Industrial (I) District, Commercial Planned Development (CPD) District, and the Hamlet (H) District of the Town, subject to the granting of a special use permit approval by the Zoning Board of Appeals and further subject to the following requirements:
 - (a) A building permit and special use permit approval shall be required for installation of all Ground-Mounted Solar Energy Systems.
 - (b) Ground-Mounted Solar Energy Systems shall be permitted in front yards provided said systems are properly screened from neighboring properties and streets.
 - (c) Ground-Mounted Solar Energy Systems shall not be placed or installed on a septic field.
 - (d) Ground-Mounted Solar Energy Systems shall comply with the most restrictive area, yard and bulk regulations in each applicable zoning district in which the Ground-Mounted Solar Energy System is constructed. However, Ground-Mounted Solar Energy Systems shall only be permitted in the Residential Planned Cluster (RPC) District and the Hamlet (H) District on lots which are 20,000 sq.ft. or larger and only in rear yards.
 - (e) Setbacks. Further setbacks, area and yard requirements and bulk restrictions may be required by the Zoning Board of Appeals in addition to those set forth in Section E1.(d) above in order to protect the public's safety, health and welfare.
 - (f) The height of the Solar Collector/Panel and any mounts shall not exceed 15 feet in height when oriented at maximum tilt measured from the ground and including any base.
 - (g) As part of the special use permit review process, a Ground-Mounted Solar Energy Systems shall be screened when possible and practicable from adjoining lots and street rights of way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the Solar Collectors/Panels.
 - (h) The Ground-Mounted Solar Energy System shall be located in a manner to reasonably minimize view blockage for surrounding properties.
 - (i) Neither the Ground-Mounted Solar Energy System, nor any component thereof, shall be sited within any required buffer area.

- (j) The total surface area of all Ground-Mounted Solar Energy System components shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches, and attached garages.
 - (k) The area beneath the Ground-Mounted Solar Energy System shall not be included as impervious surface coverage in calculating whether the lot meets any maximum permitted lot coverage requirements for the applicable zoning district. Such uses shall also not be counted toward the limitation on the number of accessory buildings or uses permitted on a parcel.
 - (l) The criteria for special use permit approval as set forth in Article IV shall also be demonstrated for each application.
 - (m) Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of LaFayette. In accordance with the requirements of the Town of LaFayette Local Law No. 3-2000 (Fees), it shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a special use permit under this section.
- B. Districts where prohibited. Ground-Mounted Solar Energy Systems shall not be permitted in the Flood Plain (F) District.
- (g) General Requirements Applicable to Building-Integrated, Rooftop-Mounted and Ground-Mounted Solar Energy Systems.
- A. All Solar Energy System installations must be performed by a Qualified Solar Installer.
 - B. Solar Energy Systems, unless part of a Solar Farm, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law §66-j or similar state or federal statute. However, Solar Energy System applications in a residential setting and serving a residential use on a single parcel or lot shall be limited to 15 kW or less. Solar Energy System applications in non-residential settings, including active farm operations, may be permitted up to 25 kW or less.
 - C. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and/or by an appropriate electrical inspection person or agency, as determined by the Town.
 - D. Any connection to the public utility grid must be inspected by the appropriate public utility and proof of inspection shall be provided to the Town.
 - E. Solar Energy Systems shall be maintained in good working order.
 - F. Solar Energy Systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of surrounding neighborhood.

- G. Solar Energy Systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including but not limited to:
- (1) Weight load;
 - (2) Wind resistance; and
 - (3) Ingress or egress in the event of fire or other emergency.
- H. All Solar Energy Systems described in this Article shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code Standards, the National Electric Code and National Fire Protection Association codes. To the extent the provisions of the New York State Uniform Fire Prevention, National Electric Code and Building Code and the National Fire Protection Association codes are more restrictive than the provisions set forth in this Section, the provisions of the New York State Uniform Fire Prevention and Building Code, National Electric Code and the National Fire Protection Association codes shall control.
- I. If solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code and/or the National Fire Protection Association codes when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.
- J. All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. Conduits or feeds which are laid on the roof shall be camouflaged to blend in with the roof and reduce aesthetically objectionable impacts.
- K. If a Solar Energy System or any part thereof ceases to perform its originally intended function or is in a state of malfunction for more than 12 consecutive months, the property owner shall completely remove or replace such System or part, mount and all other associated equipment and components by no later than 90 days after the end of the 12-month period or within 10 days of written notice from the Town. Failure to do so will result in the Town removing the Solar Energy System and assessing the cost of removal on the property which shall constitute a lien on said property and collected in the same manner as property taxes. The Building Inspector, Code enforcement officer, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent to ensure that the Solar Energy System remains operational.
- L. To the extent practicable, Solar Energy Systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area. Solar Energy Systems shall be composed of panels which are the same or similar in composition and color.
- M. The design, construction, operation and maintenance of the Solar Energy System shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.
- N. Marking of equipment.

- (1) Solar Energy Systems and components shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.
 - (2) In the event any of the standards in this Subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code or National Fire Protection Association codes they shall be deemed to be guidelines only and the standards of the New York State Uniform Fire Prevention and Building Code or National Fire Protection Association codes shall apply.
- O. Prior to the time of the issuance of a building permit, the applicant/owner shall demonstrate to the Code Enforcement Officer a reliable and safe method for de-energizing the Solar Energy System in the event of an emergency. The method and location to de-energize the Solar Energy System, once approved by the Code Enforcement Officer, shall be provided by the applicant to all applicable emergency services and first responders.

(h) Solar Farms

- A. Districts where allowed. Subject to the issuance of site plan approval and a special use permit approval and other requirements as set forth herein, Solar Farms shall not be a permitted use in any zoning district other than the Agricultural (AG) District and the Industrial (I) District within the Town.
- B. Districts where prohibited. Solar Farms shall be prohibited in the Residential Planned Cluster (RPC) District, Residential Multi-Family (RM) District, Business (B) District, Commercial Planned Development (CPD) District, Hamlet (H) District, and Flood Plain (F) District.
- C. Lot Area and Yard Regulations. The following lot area and yard regulations shall apply to Solar Farms located in the Agricultural (AG) District and Industrial (I) District within the Town.
 - (1) Minimum Street Frontage: 60 feet
 - (2) Minimum Lot Area: 15 acres
 - (3) Minimum Front Yard Setback: 50 feet
 - (4) Minimum Rear Yard Setback: 30 feet
 - (5) Minimum Side Yard Setback: 25 feet
- D. Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of LaFayette shall use or permit the use of land or premises for the construction or installation of a Solar Farm without obtaining a building permit, a special use permit approval issued by the Zoning

Board of Appeals and a site plan approval issued by the Planning Board as hereinafter provided.

E. Special use permit approval.

(a) In addition to the criteria established pursuant to Article IV of this Ordinance, the following criteria are hereby established for purposes of the granting of special use permit approval for a Solar Farm:

- [1] Scenic viewsheds. A Solar Farm shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of LaFayette or that extends beyond the border of the Town of LaFayette. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of LaFayette Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.
- [2] Emergency shutdown/safety. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any Solar Panel or other component of the Solar Farm need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem. Further, the applicant shall arrange for the filing of site plans and any emergency shut down procedures with the Town Code Enforcement Officer and local first responders.
- [3] Security. All Solar Farms shall be secured to the extent practicable to restrict unauthorized access. See Section G6.(a)[17] of this Article.
- [4] Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the Solar Farm, they shall be constructed in a way that allows for the passage of any emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the Solar Farm site.
- [5] The development and operation of the Solar Farm shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town, or federal or state regulatory agencies.
- [6] Setbacks. Additional setbacks may be required in addition to those set forth in Section G(3) by the Zoning Board of Appeals in order to provide for the public's safety, health and welfare.

- (b) Waiver. The Zoning Board of Appeals may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Zoning Board of Appeals.

F. Site plan Approval.

- (a) The following submission requirements must be observed regarding a site plan approval application for a Solar Farm. The Planning Board may also require any of the requirements of Article III this Ordinance as part of the submission.

- (a) A completed application form as supplied by the Town for site plan approval for a Solar Farm.

- (b) Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application.

- (c) Plans and drawings of the proposed Solar Farm installation signed, marked and/or stamped by a professional engineer registered in New York State showing the proposed layout of the entire Solar Farm along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval. The plans and development plan shall be drawn in sufficient detail and shall further describe:

- [a] Property lines and physical dimensions of the proposed site, including contours at 5-foot intervals.

- [b] Location, approximate dimensions and types of all existing structures and uses on the site.

- [c] Location and elevation of the proposed Solar Farm and all components thereof.

- [d] Location of all existing aboveground utility lines within 1,200 linear feet of the site.

- [e] Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Solar Farm shall be buried underground and include necessary encasements in accordance with the National Electric Code, National Fire Protection Association codes and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction

boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.

- [f] Location of all service structures proposed as part of the installation.
 - [g] Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater Solar Access.
 - [h] A berm, landscape screen, or any other combination acceptable to the Town capable of screening the site, shall be provided along any property line.
 - [i] Soil type(s) at the proposed site.
- (d) Photographic simulations shall be included showing the proposed Solar Farm along with elevation views and dimensions and manufacturer's specifications and photos of the proposed Solar Energy Systems, Solar Collectors, Solar Panels and all other components comprising the Solar Farm or from other vantage points selected by the Planning Board.
 - (e) If applicable, certification from a professional engineer or architect registered in New York State indicating that the building or structure to which a Solar Panel or Solar Energy System is affixed, is capable of handling the loading requirements of the Solar Panel or Solar Energy System and various components.
 - (f) One or three-line electrical diagram detailing the Solar Energy System installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices.
 - (g) Documentation of access to the project site(s), including location of all access roads, gates, parking area etc.
 - (h) A plan for clearing and/or grading of the site and a Stormwater Pollution Prevention Plan (SWPPP) for the site.
 - (i) Documentation of utility notification, including an electric service order number.
 - (j) Sunchart. Where deemed appropriate, the Planning Board may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or

vegetation on the site or on adjacent sites to obstruct the Solar Skyspace of the proposed Solar Farm. The sunchart shall also indicate the potential for obstructions to the Solar Skyspace of the proposed Solar Farm under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of The 1970 Zoning Ordinance of the Town of LaFayette with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established, this scenario shall assume a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the Solar Skyspace that should be considered when development of neighboring properties occurs. This section in no way places responsibility on the Town for guaranteeing the Solar Skyspace of a Solar Energy System in the event setbacks are waived at the applicant's request.

- (k) The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.
- (l) Solar Energy Systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.
- (m) The average height of the solar panel array shall not exceed 20 feet measured from the ground and including any base or supporting materials.
- (n) Color. Neutral paint colors, materials and textures may be required for Solar Farm components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Planning Board.
- (o) The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.
- (p) Artificial lighting of Solar Farms shall be limited to lighting required for safety and operational purposes, shall be shielded from all neighboring properties and public roads.
- (q) Solar Farms shall be enclosed by perimeter fencing to restrict unauthorized access as approved by the Planning Board. Style and type of fence shall be approved by the Planning Board as part of the site plan approval process.
- (r) The Planning Board may place reasonable hours restrictions during the construction phase of the Solar Farm. However, construction shall begin

no earlier than 7:30 a.m. and shall cease no later than 8:30 p.m. Monday – Saturday.

- (s) Only signage used to identify the location of the Solar Farm shall be allowed and such signage shall otherwise comply with the Town’s sign regulations and requirements.
- (t) To the extent practicable, equipment that produces noise above ambient levels during normal operation shall be placed in the center of the solar array or at a minimum of 1,000 feet from the nearest property line.
- (u) All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis/visual environmental assessment form. The following additional material may be required by the Planning Board:
 - [a] A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project. Scaled use shall depict a three-mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.
 - [b] No fewer than four color photos taken from locations within a 3-mile radius from the proposed location, as selected by the Planning Board and computer-enhanced to simulate the appearance of the as-built aboveground Solar Farm components as they would appear from these locations.
- (b) Site plan approval criteria. In addition to the above and subject to the criteria from Article III of this Ordinance, no site plan approval shall be given unless the Planning Board determines that the proposed Solar Farm complies with the following additional requirements:
 - (a) The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:
 - [a] The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;
 - [b] There is sufficient accessibility for any fire and other emergency vehicles and responders to the site; the Applicant shall provide down shielded lighting at the entrance points to the site and which shall be on file with the Town Codes Office and applicable Fire Department and first responders;
 - [c] There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;

- [d] There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;
 - [e] There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.
- G. Public hearing. No action shall be taken by the Zoning Board of Appeals to issue special use permit approval, or by the Planning Board to issue site plan approval, nor the Zoning Board of Appeals to grant a use or area variance in relation to an application for a Solar Farm until after public notice and a public hearing by each Board for each such approval. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of LaFayette at least 5 days before the date set for such public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least 7 days prior to such hearing, the applicant shall file with the board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.
- H. Compliance with New York State Uniform Fire Prevention and Building Code and National Fire Protection Association codes.
 - (1) Building permit applications shall be accompanied by standard drawings of structural components of the Solar Farm and all its components (including but not limited to Solar Panel, Solar Collector, Solar Energy System etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer that the system complies with the New York State Uniform Fire Prevention and Building Code and any applicable National Fire Protection Association codes. This certification would normally be supplied by the manufacturer.
 - (2) Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code and any applicable National Fire Protection Association codes.
- I. Compliance with state, local and national electric codes.
 - (1) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the Solar Farm to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electric Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification

would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

- (2) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the National Electric Code and good engineering practices.
- J. Following construction/installation of the Solar Farm, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low level vegetation capable of preventing soil erosion and airborne dust.
 - K. Post Construction/Installation Certification. Following the construction/installation of the Solar Farm, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and is operating according to the drawings and development plan(s) submitted to the Town and this Article.
 - L. Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the Solar Farm at all times. Said policy shall provide a minimum of \$2,000,000 property and personal liability coverage.
 - M. Inspections. The Building Inspector, Code enforcement officer, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a Solar Farm is being or is constructed, to inspect all parts of said Solar Farm installation and require that repairs or alterations be made if, in his judgment, there exists a deficiency in the operation or the structural stability of the Solar Farm or any component thereof. If necessary, the Building Inspector or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.
 - N. Power to impose conditions. In granting any site plan approval, special use permit approval or variance for a Solar Farm, the Zoning Board of Appeals or Planning Board, as the case may be, may impose reasonable conditions to the extent that such board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.
 - O. Decommissioning and Removal of Solar Farm Facilities.
 - (1) The applicant shall agree, in writing, to remove the entirety of the Solar Farm and all accessory structures and components thereof if the Solar Farm ceases to be used for its intended purpose for 12 consecutive months. Removal of such obsolete and/or unused Solar Farm components shall take place within 90 days thereafter. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete Solar Panels upon any person subsequently securing rights to relocate the Solar Panels.

- (2) Bond/Security. The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this Chapter, and to provide the decommissioning removal and restoration of the site subsequent to the removal of the Solar Farm. The amount of the bond or security shall be no less than 150% of the cost of the removal of the Solar Panels and restoration of the site, and shall be reviewed and adjusted at 5 year intervals. In the event of a default upon performance of such condition or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the complete removal of the Solar Panels and site restoration is finished.
 - (3) If the applicant fails to decommission and/or remove the Solar Farm as provided herein, the failure to do so will result in the Town removing the Solar Farm and assessing the cost of removal on the property which shall constitute a lien on said property and collected in the same manner as property taxes.
- P. Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of LaFayette. In accordance with the requirements of the Town of LaFayette Local Law No. 3-2000 (Fees), it shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a Solar Farm under this section.
- Q. Waiver. The Planning Board or the Zoning Board of Appeals may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

Article 6 – Administration, Enforcement and Review

Section A: Administration

This Chapter shall be enforced by the Town of LaFayette Code Enforcement Officer.

Section B: Building Permits and Certificates of Occupancy

Building permits and certificates of occupancy shall be issued in accordance with the Town Code, the NYS Uniform Fire Prevention and Building Code, and all other applicable federal, state and local laws/regulations.

Section C: Zoning Map

The location and boundaries of districts are hereby established as delineated and shown on the revised Zoning Map accompanying this Chapter and forming a part thereof, upon which the various use districts or zones are designated by the symbols shown on said map. Where a use district is shown as a strip of land along a road or highway, the depth of such district, unless otherwise shown on the Zoning Map, shall be 200 feet from the side line of the road or highway upon which such property fronts. The Zoning Map is on file in the office of the Town Clerk.

Section D: Planning Board

1. Membership and Term of Office

The Planning Board shall consist of five members, all residents of the Town of LaFayette. Each member shall be appointed by the Town Board. Each member's term of office shall be five years and all terms shall be staggered in their expiration. One member shall be designated by the Town Board to serve as chairperson. If a vacancy shall occur, the Town Board shall appoint a successor who shall serve for the unexpired portion of the term of his/her predecessor.

The Town Board may appoint an alternate member to the Planning Board. This alternate member would serve as a substitute for a member who is absent or unable to participate on an application or matter due to a conflict of interest. This alternate member of the Planning Board shall be appointed for a term of two (2) years and shall serve upon the call of the Planning Board chairperson. When so designated, the alternate member shall possess all of the powers and responsibilities of a regular member of the Board. Such designation shall be entered into the minutes of the Planning Board meeting at which the substitution is made. All provisions of State law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provision of a local law, rule, regulation or policy relating to training, continuing education, compensation and attendance, shall apply to any alternative member of the Planning Board appointed pursuant to this section.

2. Powers and Duties

The Planning Board is the primary Town organization responsible for land use planning within the Town of LaFayette and for managing that use through available regulations and chapters. The major functions and responsibilities of the Planning Board include oversight over subdivisions and site plans as set forth in this Chapter.

Section E: Site Plan Review

1. Applicability and Application

a) Where required: All new structures, modifications, alterations or replacements of existing structures, as well as the establishment of any new use or any change in an existing use, shall be subject to site plan review by the Town Planning Board as hereafter set forth, except that the code enforcement officer shall have the authority to issue a building permit without prior site plan approval by the Planning Board for expansion of an existing building or structure which has been the subject of a previous site plan approval upon the Code enforcement officer's determination:

- (1)** That the proposed addition is in full compliance with existing zoning regulations; and
- (2)** That the addition does not exceed 50% of the ground-level space of the existing building or structure, or 10,000 square feet, whichever is less; or
- (3)** Where the structure is a single- or two-family residence or a structure accessory to such use.

b) Application: In all cases where site plan approval is required, the owner or his contract purchaser or lessee shall complete an application for site plan review on the forms available therefor from the Code Enforcement Officer or Town Clerk. No such application shall be complete unless it shall contain the following:

1. A site plan prepared by an architect, landscape architect, engineer, land surveyor or applicant (if the site plan is of similar professional quality) containing the information and data as required by this section and the Code Enforcement Officer.
2. Title drawing including name and address of applicant and person responsible for preparation of such drawing;
3. *North arrow, scale, and date;*
4. Boundaries of the property and all easements plotted to scale;
5. Existing watercourses and wetlands;
6. Grading and drainage plan, show existing and proposed contours;
7. Location, design, type of construction and exterior building surfaces, exterior dimensions of all buildings;
8. Exterior elevations;
9. Location, design and type of construction of all parking and truck loading areas, ingress and egress, handicapped spaces, access aisles and snow storage area;
10. Location of outdoor storage, if any;
11. Provision for pedestrian building access;
12. Location, design and construction materials of all existing proposed site improvements including storm water facilities, retaining walls and fences;
13. Description of the method of sewage disposal and location, design and construction materials of such facilities;
14. Description of the method of securing public water and location, design and construction materials of such facilities;
15. Location of fire and other emergency zones, including the location of fire hydrants;
16. Location, design and construction materials of all energy distribution facilities, including electrical, gas, and solar energy;
17. Location, size, design and type of construction of all proposed signs;
18. Location and proposed development of all buffer areas, including existing vegetative cover,
19. Location and design of outdoor lighting facilities;
20. General landscaping plan and planting schedules;
21. Estimated project construction schedule;
22. Identification of any state or county permits required for the project's execution and status of such applications;
23. Other elements integral to the proposed development as considered necessary by the Code Enforcement Officer or Planning Board;
24. Completed environmental assessment form as required by 6 NYCRR Part 617 (SEQRA);
25. All necessary application fees and deposits as required by the Town;
26. Names of property owners within 500 feet of the site; and
27. Current survey

c) Code Enforcement Officer's discretion. The Code Enforcement Officer may waive any of the requirements set forth above as he deems appropriate at the time of submission. Such discretion, however, shall not deprive the Planning Board of the right to require such omitted information.

d) Site plan review will be required in the following instances, as determined by the Code Enforcement Officer:

1. Change of use;
2. When a building or structure is to be erected;
3. When a building or structure is to be altered such that its footprint or façade is altered;
4. When vehicular movement, vehicular parking or a pedestrian walkway is altered;
5. When surface water is altered;
6. When exterior lighting is installed or altered;
7. When designed landscaping is installed or altered.

2. Requirements and Regulations:

Any site plan required by this Chapter shall conform to all regulations applicable to the district in which it is located and to any other regulation which applies to it under other provisions of this Chapter. In addition, it shall be oriented in its location upon the site as to layout, coverage, screening, signs, means of access, landscaping and architecture so that:

- a) The flow, control and safety of traffic shall not be adversely affected to an unreasonable degree;
- b) There shall be reasonable compatibility on all respects with any structure or use in the neighborhood, actual or permitted, which may be directly and substantially affected;
- c) There shall not be any unreasonable detriment to any structure or use, actual or permitted in the neighborhood;
- d) There shall be reasonable provisions for open space, yards and recreational areas appropriate to the structure and use; and
- e) A Stormwater Pollution Prevention Plan (SWPPP) consistent with requirements of local law shall be required for all applicable site plans.

3. Procedure and Notice

- a) Sketch plan: Any applicant for site plan approval shall appear before the Planning Board prior to the setting of a public hearing on his/her application. Sketch plan applications may only be placed on the Planning Board agenda if the Code Enforcement Officer determines that the application is complete.
- b) Public hearing. The Planning Board shall review each site plan at a public hearing to determine the compliance of the plans of the applicant with the requirements set forth in this Chapter. Notice of the substance of the application and the date, time and place of the public hearing shall be given to all the owners of land which immediately adjoin the premises and to all the owners of land within a distance of five hundred (500) feet, exclusive of street rights-of-way, of the exterior boundaries of the said premises, as the names and addresses of said owners appear in the latest completed assessment roll of the Town. Notice of the public hearing shall be mailed at least ten (10) days prior to the hearing by the Town Clerk. The notice shall state that if neither the applicant nor any representative of the applicant will be able to appear at the specified time, the hearing upon the application will be postponed or cancelled.
- c) Failure to appear. The applicant shall notify the Planning Board at least forty-eight hours (48) hours in advance of the applicant's inability to appear. If such notification is not given, the application may be denied and the applicant may be required to submit a new application. If the applicant fails to appear at

the specified time for two (2) concurrent meetings, the application will be deemed denied and the applicant will be required to submit a new application.

d) County Planning referral. All applications to the Planning Board shall be referred to the Onondaga County Planning Board for review if the site is within 500 feet of:

- i. A municipal boundary,
- ii. County or State highway,
- iii. County right-of-way for any stream or drainage channel,
- iv. Boundary of a farm operation in a State certified agricultural district, or
- v. Boundary of a County or State Park

e) Decision criteria: In addition to satisfying the requirements of the Town Code and applicable state law, any site plan application must be evaluated with regard to its consistency with the objectives of the comprehensive plan of the Town of LaFayette.

f) Decisions. Within sixty two (62) days after the public hearing is closed, the Planning Board shall make its decision upon the application and shall deliver a written report to the Town Clerk either denying the application, certifying that the plans submitted by the applicant comply with such requirements set forth in this Chapter, or specifying the changes and conditions which will result in compliance. During its consideration of the application, the Planning Board may accept amended plans in substitution for those originally filed.

g) Permit issuance. Upon receipt of the Planning Board's report certifying compliance of the plans, or upon receipt of amended plans making the specified changes and meeting the specified conditions, the Code Enforcement Officer may issue a permit for the proposed structure and/or use.

4. Appeal Process

If the application is denied, the applicant may appeal to the New York State Supreme Court via an Article 78 proceeding, or as otherwise permitted by law.

5. Limitation on Application for Site Plan Approval

Application to the Code Enforcement Officer for any Building Permit or Certificate of Occupancy, authorized by resolution of the Planning Board under which site plan approval has been granted, shall be made within ninety (90) days from the date the resolution is filed with the Town Clerk, unless otherwise expressly provided by the resolution.

Section F: Zoning Board of Appeals

1. Membership and Term of Office

The Zoning Board of Appeals shall consist of five members, all residents of the Town of LaFayette. Each member shall be appointed by the Town Board. Each member's term of office shall be five years and all terms shall be staggered in their expiration. One member shall be designated by the Town Board to serve as Chairperson. If a vacancy shall occur, the Town Board shall appoint a successor who shall serve for the unexpired portion of the term of his/her predecessor.

The Town Board may appoint an alternate member to the Zoning Board of Appeals. This alternate member would serve as a substitute for a member who is absent or unable to participate on an application or matter due to a conflict of interest. This alternate member of the Board of Appeals shall be appointed for a term of two (2) years and shall serve upon the call of the Zoning Board Chairman. When so designated the alternate member shall possess all of the powers and responsibilities of a regular member of the Board. Such designation shall be entered into the minutes of the Board of Appeals meeting at which the substitution is made. All provisions of State law relating to Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provision of a local law, rule, regulation or policy relating to training, continuing education, compensation and attendance, shall apply to any alternative member of the Board of Appeals appointed pursuant to this section.

2. Powers and Duties

The Zoning Board of Appeals shall have all the duties and powers conferred upon it by law and this Chapter, including the duties and powers:

- a) Interpretation: Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provisions of this law, including determination of the exact location of any zone boundary if there is uncertainty with respect thereto.
- b) Special Use Permits: To issue special use permits for any of the uses for which this law requires the obtaining of such permits from the Zoning Board of Appeals; but not for any other use or purpose. No such special use permits shall be granted by the Zoning Board of Appeals unless it finds that the use for which such permits sought will not, in the circumstances of the particular case and under any conditions that the Board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.
- c) A use variance or area variance shall be granted by the Zoning Board of Appeals only upon a finding pursuant to Section 267-b of the Town Law. In granting any variance, the Zoning Board of Appeals shall prescribe any condition that it deems to be necessary or desirable. Such variances are generally defined as follows:
 - I. Use Variance: A Use Variance shall mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
 - II. Area Variance: An Area Variance shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

The Board of Appeals may adopt rules and regulations with respect to procedure before it, may hire such staff and professional assistance as may be deemed necessary to properly perform its duties and functions.

3. Procedure and Notice

a) Application. The Zoning Board of Appeals shall comply with the requirements of the law and this Chapter when processing applications and holding public hearings. Each appeal or application made to the Zoning Board of Appeals shall be in writing to the Chair of the Board of Appeals on the form(s) provided for such purpose and shall refer to the specific provision of this Chapter which is involved, setting forth exactly the interpretation that is claimed, the use for which the variance or special use

permit is sought, the details of the variance or special use permit that is applied for, and the grounds upon which the application is based.

b) Sketch plan. Any applicant for an interpretation, variance or special use permit shall appear before the Zoning Board of Appeals prior to the setting of a public hearing on his/her application. Sketch plan applications may only be placed on the Zoning Board of Appeals agenda if the Code Enforcement Officer determines that the application is complete.

c) Referral to Planning Board. Any application for Zoning Board of Appeals consideration under this Article may be referred to the Planning Board for a report and recommendation.

d) Public hearing. The Zoning Board of Appeals shall review each interpretation or application at a public hearing to determine the compliance of the interpretation or application with the requirements set forth in this Chapter. Notice of the substance of the application and the date, time and place of the public hearing shall be given to all the owners of land which immediately adjoin the involved property and to all the owners of land within a distance of five hundred (500) feet, exclusive of street rights-of-way, of the exterior boundaries of the said premises, as the names and addresses of said owners appear in the latest completed assessment roll of the Town. Notice of the public hearing shall be mailed at least ten (10) days prior to the hearing by the Town Clerk. Failure to comply with this section shall not invalidate any action taken by the Board of Appeals.

The notice shall state that if neither the applicant nor any representative of the applicant will be able to appear at the specified time, the hearing upon the application may be postponed. The applicant shall notify the Board of Appeals at least forty-eight (48) hours in advance of the applicant's inability to appear. If such notification is not given, the application may be deemed denied and the applicant will be required to submit a new application. If the applicant fails to appear at the specified time for two (2) concurrent meetings, the application shall be deemed denied and the applicant will be required to submit a new application.

e) County Planning referral. All applications to the Planning Board shall be referred to the Onondaga County Planning Board for review if the site is within 500 feet of:

- i. A municipal boundary,
- ii. County or State highway,
- iii. County right-of-way for any stream or drainage channel,
- iv. Boundary of a farm operation in a State certified agricultural district, or
- v. Boundary of a County or State Park

f) Decision criteria: In addition to satisfying the requirements of the Town Code and applicable state law, any interpretation, special use permit or variance application must be evaluated with regard to its consistency with the objectives of the Town of LaFayette's Comprehensive Plan.

g) Decision. Every decision of the Board of Appeals shall be by resolution, which shall set forth the findings of the Board in the particular case. Each such resolution, together with all documents pertaining thereto, shall be filed in the office of the Town Clerk under one of the following headings "Interpretations", "Variances", "Special Use Permits". The Board of Appeals shall notify the Code Enforcement Officer and the Town Supervisor of each special use permit approved, variance granted and interpretation made under the provisions of this Chapter.

4. Special Use Permits

The special use permit structures/uses designated in this Chapter shall conform to all the regulations of the district in which they are located and to any particular regulations which apply to them under other provisions of the Chapter. The Zoning Board of Appeals may impose as conditions to its special use permit approval such further regulations and safeguards as would permit the Board to find that the proposed structure and/or use:

- a) Is appropriate for the particular lot and location;
- b) Is not unreasonably detrimental to neighboring properties, areas and districts;
- c) Is consistent with an orderly and appropriate development of neighboring properties, areas, and districts;
- d) Where adjoined by existing or permitted uses, includes a suitable transition between neighboring uses and or districts;
- e) Is oriented in the location and upon the site as required in Section C of Article III;
- f) Includes an appropriate evolution of the comprehensive plan for the Town of LaFayette; and
- g) Includes a Storm water Pollution Prevention Plan (SWPPP), if required by local law.

Section F: Fees

The Town Board will establish a fee schedule that is to be reviewed annually as part of the budget review process. The established fees are to defray all or part of the expense of any notices, hearings, permits, and approvals under this law. Said fee or fees shall be paid by the applicant at the time of the application.

Section G: Violations and Penalties

A violation of this Chapter shall be an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00) or by imprisonment for a period not to exceed ten (10) days or both. Each week's continued violation shall constitute a separate, additional violation. In addition, the Town shall have such other remedies as provided by law to enforce the provisions of this Chapter.

Section H: Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then and in such an event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Chapter that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Chapter or the application hereof to any other persons or circumstances. If necessary as to such person or circumstance, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board hereby declares that it would have enacted this Chapter, the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

